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COURT OF APPEALS  
DIVISION II

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STATE OF WASHINGTON

BY DERBY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

IN RE THE PERSONAL RESTRAINT OF  
MARTIN S. IVIE,  
Petitioner.

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## I. STATUS OF PETITIONER

Petitioner Martin S. Ivie is currently serving a sentence totaling 213 months at the Washington State Penitentiary. He is in custody because of the following type of court order:

Judgment and Sentence entered on November 3, 2015 in *State v. Ivie*, Mason County Cause No. 12-1-00064-6.

Mr. Ivie was originally sentenced on November 13, 2012 to a term of 222 months. The case was remanded following direct appeal to re-determine Mr. Ivie's offender score as a result of this Court's determination that his conviction for Theft Second Degree was invalid, and because his prior convictions had not been properly proven.

1. The Court in which he was sentenced is the Mason County Superior Court.
2. He stands convicted of the crimes of First Degree Assault, Second Degree Assault, Third Degree Assault, and Attempting to Elude a Police Vehicle.
3. He was sentenced after trial on November 13, 2012. Following remand from this court he was resentenced on November 3, 2015. The Judge who imposed the sentence was the Honorable Amber Finlay.
4. His counsel during trial was:



Mr. James P. Foley  
1628 Hays Ave. NW  
Olympia, WA 98502

5. Following trial and before sentencing, Mr. Foley was allowed to withdraw and new counsel was appointed to represent Mr. Ivie on a motion for new trial and sentencing.

That counsel was:

Charles Lane  
1800 Cooper Point Rd. SW #3  
Olympia, WA 98502

5. Mr. Ivie timely appealed from the decision of the trial court. He appealed to the Washington Court of Appeals, Division Two.

His lawyer on appeal was:

Ms. Victoria Lyons  
Washington Appellate Project  
1511 Third Ave., Suite 701  
Seattle, WA 98101

6. The decision of the appellate court was not published. *State v. Ivie*, No. 44258-2-II, 4/22/15.

7. Mr. Ivie filed a timely Petition for Review with the Washington Supreme Court on May 26, 2015. On September 30, 2015, the Court denied his petition for review.

8. The mandate was filed on October 8, 2015.

9. The trial court resentenced Mr. Ivie and entered a new Judgment on November 3, 2015.

10. This is the first time Mr. Ivie has filed a Personal Restraint Petition. Since his conviction, Mr. Ivie has not asked a court for relief from his sentence, other than as set forth above.

## II. INADEQUACY OF OTHER REMEDIES

No remedies are available to Mr. Ivie to challenge his restraint other than by way of this Personal Restraint Petition or an equivalent habeas corpus petition in Superior Court.

## III. GROUNDS FOR RELIEF

Mr. Ivie has the following grounds for relief from his sentence described in Part A. The relevant factual background and the evidence upon which the instant personal restraint petition is based are set forth in Petitioner's Opening Brief (Brief) and in the Appendix in Support of Personal Restraint Petition (Appendix) filed herewith pursuant to RAP 16.7(a)(2) and RAP 16.10(a)(1). Mr. Ivie incorporates by reference the facts and evidence contained within the Brief and Appendix.

### FIRST GROUND

Mr. Ivie should be given a new trial or released from confinement pursuant to RAP 16.4(c)(2), because his conviction was obtained and the

sentence was imposed in violation of his right to effective assistance of counsel guaranteed by the Constitution of the United States and/or the Washington Constitution.

#### SECOND GROUND

This Court should provide Mr. Ivie with a new trial or order his release from confinement pursuant to RAP 16.4(c)(2), because his conviction was obtained and the sentence was imposed as a result of prosecutorial misconduct in violation of the right to Due Process guaranteed by the Constitution of the United States and/or the Washington Constitution.

#### THIRD GROUND

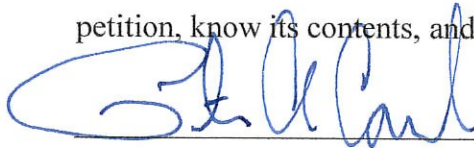
Mr. Ivie should be given a new trial or released from confinement pursuant to RAP 16.4(c)(3), because material facts exist which have not been previously presented and heard, and which, in the interest of justice, require vacation of the conviction and sentence.

#### IV. REQUEST FOR RELIEF

Mr. Ivie requests that this Court vacate his convictions. In the alternative, he asks this Court to order the State to produce discovery and for an evidentiary hearing to be held in order to resolve any factual disputes about Mr. Ivie's unlawful restraint.

V. OATH

I declare under penalty of perjury under the laws of the State of Washington that I am the attorney for the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

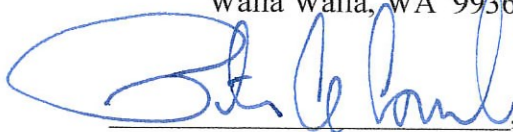
 Peter A. Camiel,

Signed this 6th day of Oct. at Seattle, WA.  
2016

CERTIFICATE OF SERVICE

I declare that I mailed a true and correct copy of this Petition, of the Opening Brief and of the Appendix to Mr. Ivie at:

Martin Ivie  
DOC No. 307402  
Washington State Penitentiary  
1313 North 13th Avenue  
Walla Walla, WA 99362

 Peter A. Camiel,

Signed this 6th day of at Seattle, WA.  
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OPENING BRIEF OF PETITIONER

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## I. ISSUES PRESENTED

- A. Whether Martin Ivie is entitled to a new trial under RAP 16.4 because his trial counsel's representation fell below a reasonable standard of competence, resulting in prejudice to him and undermining Mr. Ivie's conviction.
- B. Whether Martin Ivie is entitled to a new trial under RAP 16.4 because the prosecutor committed misconduct by disparaging the role of defense counsel thereby denying Mr. Ivie his due process right to a fair trial.

## II. INTRODUCTION

Martin Ivie was convicted at jury trial in Mason County Superior Court of Attempting to Elude a Pursuing Police Vehicle (Count II), Assault in the First Degree (Count III – Mason County Sheriff's Office (MSCO) Deputy Reed), Assault Third Degree (Count V – MCSO Deputy Adams), and Assault in the First Degree (Count VI – MCSO Deputy Adams).

He was also convicted of theft in the second degree (Count 1). This Court reversed that conviction on direct appeal because the jury instructions did not insure a unanimous verdict. This Court also remanded for resentencing based upon the State's failure to prove Mr. Ivie's offender score. At resentencing, the trial court ordered Mr. Ivie to serve a total sentence of 213 months (17 years and 9 months).

Mr. Ivie's trial counsel's representation was deficient. Trial

counsel failed to present medical testimony regarding Mr. Ivie's physical and mental condition at the time he was interrogated at the hospital shortly after being shot. Trial counsel failed to present medical testimony demonstrating that although the State alleged that Mr. Ivie was driving toward Deputy Adams when he was shot, medical and physical evidence, including photographs of Mr. Ivie's truck and of Mr. Ivie's wounds show that the deputy shot him in the back, and thus Mr. Ivie could not have been driving toward the Deputy when the shots were fired.

Trial counsel failed to conduct a reasonable investigation of the crime scene to rebut the State's claim that Mr. Ivie was driving toward Deputy Adams when he fired at Mr. Ivie. Trial counsel failed to present available evidence to prove that Mr. Ivie's statements to police that his dog was in his truck were true. Trial counsel failed to present available medical and veterinary evidence that corroborated Mr. Ivie's version of events. Trial counsel failed to object to prejudicial statements in closing argument by the prosecutor. Trial counsel failed to investigate evidence that Deputy Reed tried to suborn perjury by asking a witness to give false testimony against Mr. Ivie.

No. 44258-2-II. The mandate was issued on October 8, 2015. On November 3, 2015, the trial court resentenced Mr. Ivie to serve 213 months (17 years and 9 months) in prison.

Martin Ivie's timely Personal Restraint Petition follows.

B. Factual Background

On the night of February 9, 2012 MCSO Deputy Reed hid near a downed maple tree waiting to see if someone would come to cut it up and take the wood. Martin Ivie arrived at approximately 8:00 p.m. Reed confronted and tried to arrest Ivie for the theft of wood. Ivie told Deputy Reed that he was going to take his dog home and that if Reed wanted to arrest him, he knew where he lived. Ivie then got in his truck and drove off. In the meantime, MCSO Deputy Adams was coming up the road in his police car to back-up Deputy Reed. Adams, upon hearing by radio that Ivie was headed his way, stopped his car and exited with his assault rifle. RP 288. Ivie apparently saw Adam's car's lights, stopped, turned his truck around and headed up the road where Reed had been following him on foot. Reed claimed that Ivie drove right at him and that he had to jump out of the road to avoid being hit. RP 90-91. This formed the basis for count 3, Assault First Degree.

Reed suffered no injuries. Adams did not see Reed have to jump out

of the road, rather he saw Reed standing at the side of the road, unharmed, as he (Adams) drove past him (Reed). RP 297.

Adams pursued Ivie up the winding narrow dirt road for miles. At one point Ivie, after making a right turn, began to back up. Adams came over the hill and quickly braked and the two vehicles made contact resulting in a slightly cracked left front headlight on Adams' car. RP 303. This contact formed the basis for count 5, Assault Third Degree.

Ivie then drove to a landing at the end of the road near a parked fifth wheel trailer. Adams drove up to the landing but stopped his car just short of the landing and got out holding his assault rifle. Adams then claimed he first went to the rear of his car. RP 306. He then claimed he moved over to the bank and looked up on the landing and saw the truck. RP 311. He shined the light from his rifle on the truck and gave orders for Ivie to get out. RP 312. Adams claimed that as he was half-way up the bank toward the landing and still behind his patrol car the truck started coming toward him. RP 314. Adams claimed he then moved across the bank to avoid getting hit, but remained concerned that the truck would come off the bank and the side of the truck would hit him. RP 315. Adams claimed it was at that point that he raised his rifle and fired. RP 316. Adams was still moving laterally when he fired four shots. RP 317. Adams

then claimed he shined his light from his rifle on the truck as he saw that the driver was looking “down the road, basically in the direction from which we had just come up.” RP 318. This would mean that Ivie was looking in the opposite direction from Adams. Adams claimed concern that the truck would proceed back down the road toward oncoming officers and so he “fired a second volley of rounds.” RP 321. At that point the truck went over the bank on the other side of the road and down into the woods. RP 321. These events formed the basis for count 6, Assault First Degree.

Ivie had sustained a number of bullet wounds – all to the back side of his body. He had bullet wounds to the back of his head, the back of his left elbow, the back of his right shoulder, and the lower right side of his back. He had no entry bullet wounds on his side or in the front of his body.

Emergency medical technicians arrived and transported Ivie to Mason General Hospital (MGH). The attending surgeon at MGH, John Short, M.D., transferred Ivie to Tacoma General Hospital (TGH) late that night, February 9<sup>th</sup>. On February 10<sup>th</sup>, at approximately 12:15 p.m., two investigating law enforcement officers interrogated Ivie, who was under guard while in the TGH Intensive Care Unit.

C. Mr. Ivie's Trial

At trial the State introduced exhibits including demonstrative photographs of the bullet holes in the driver's side of Ivie's truck with rods of different colors placed to depict the trajectory of the bullets fired by Adams. The state also introduced computer-generated diagrams depicting the bullet trajectory to demonstrate that Adams had fired from in front of Ivie's truck. Trial Exhibits 47-51; App. 123-128 (superior court List of Exhibits). The State did not call any forensic experts to testify about any analysis of the crime scene, the bullet damage to Ivie's truck, or Ivie's injuries. Instead, the State introduced flawed and inaccurate computer-generated diagrams and police-staged photographs depicting the State's version of bullet trajectory at Ivie's truck – without objection or challenge by defense counsel.

Without challenge on cross-examination, Detective Simper testified that “to determine exactly where Sergeant Adams was at the time each shot was fired would be – would be futile, just based on – there's very – several variables that would have to come into effect – in – into account for that to occur.” RP 251.

Ivie testified. He denied intentionally backing into Deputy Adams' car. He denied that he drove at or tried to run down Deputy Reed. He

denied that he drove at or tried to run down Deputy Adams. Ivie was impeached on several points of testimony with his TGH statement made while he was receiving treatment for the gunshot wounds and in the Intensive Care Unit. The jurors did not hear any medical testimony about Ivie's condition at the time he was interrogated at TGH. The jury did not hear medical testimony about the location of Ivie's gunshot wounds, which were to the back of his head, to the back of his left arm, to the back of his upper right shoulder, and to the lower left side of his back (torso). The jurors did not even see photographs showing that all of the injuries were on Ivie's back because his counsel failed to introduce the available photographs. Ivie's counsel did not present any defense expert testimony to challenge the accuracy of the State's bullet trajectory evidence to the jurors, expert testimony showing that the shots were fired towards the driver's side rear of the truck.

The defense called a private investigator, Fred Doughty, who measured distances between locations and took photographs from the various scenes and of Mr. Ivie's truck in an impound yard. RP 360-375. Defense counsel asked Doughty to draw a diagram of his opinion of the "trajectory" of Mr. Ivie's vehicle. However, defense counsel never offered or introduced into evidence this hand-drawn diagram. RP 406-407.



Doughty had no expertise as to forensic ballistic analysis or bullet trajectory. Doughty, while familiar with total station equipment, had never actually used it. RP 418. The defense also attempted to introduce the veterinary records through investigator Doughty, but the court sustained the State's objection to the records. RP 409. On cross-examination, the State asked Doughty about the total station diagram depicting the bullet trajectories. He disagreed with position from where the officer fired the shots, RP 422, but then agreed that the total station diagram, despite never using this equipment, appeared to be accurate. RP 423.

The defense also called Marty Hayes, a firearms instructor. RP 445. Hayes had experience in use of force, ballistics, and blood stain pattern analysis. He had no experience with total station, testifying that he was "not an expert in total analysis [sic] and how that really operates. I'm kind of more old school." RP 452. He initially testified that based on his review of the evidence Adams fired from a position to the side of Mr. Ivie's vehicle. RP 454. Hayes' experience regarding determining the position of a shooter was primarily based on looking at "millions" of bullets being fired at objects, "primarily paper targets, but sometimes other objects too." RP 455. Hayes provided the opinion that Ivie's vehicle was veering away from Adams' vehicle. RP 462. The prosecutor questioned

Hayes about his report in which he opined that his review of the evidence was consistent with Adams' version of events. RP 475-478.

1. Trial counsel failed to investigate expert witnesses who would have corroborated Mr. Ivie's testimony and refuted the State's allegations and trial counsel's failure prejudiced Mr. Ivie's defense.

The State's case against Mr. Ivie as to count 6, first degree assault on Deputy Adams, was based on the trial testimony of Deputy Adams and photographs and diagrams documenting the trajectory of bullets that were fired into Mr. Ivie's truck. The State's scene reconstruction evidence showed that all of the shots fired at Mr. Ivie by Deputy Adams were fired from the area in front of and slightly to the left side of Mr. Ivie's truck as it moved towards Adams, with the direction of the shots from front to back, angled into the driver side of the truck.

The State presented close-up color photographs of the truck's bullet holes with colored rods inserted by police officers that were angled by the police to corroborate Deputy Adams' testimony about the angle of the shots. This evidence purported to show the direction of fire from Adams. Defense counsel did not object to introduction of this evidence nor did he challenge it on cross-examination.

Defense counsel failed to consult with a qualified crime scene expert

and failed to mount any challenge to this questionable evidence. Instead, defense counsel called a defense investigator and a firearm expert, neither of whom was trained, educated or experienced in the use of the total station mapping system, or in crime scene reconstruction or analysis. Counsel's failure to consult with a qualified expert was incompetent and ineffective and his unreasonable lack of assistance prejudiced Mr. Ivie's right to a fair trial.

A review of this police-generated "forensic" evidence by a qualified crime scene expert would have allowed the defense to present evidence that directly contradicted Adams' testimony and would have impeached the computer-generated diagrams and the photographs of the truck with the color-coded rods introduced by the State. Moreover, such testimony by a defense expert would have corroborated Mr. Ivie's testimony that he never drove at Deputy Adams, but attempted to drive his truck around the back end of Adams' car down to the road.

Kay Sweeney, an exceptionally experienced crime scene forensic expert has re-examined the State's evidence. Mr. Sweeney's Declaration, Post-Conviction Laboratory Report, Curriculum Vitae and Testimony List are attached in App. 1-6. His experience includes holding the position of manager of the Washington State Patrol Crime Scene Response Team

where he responded to crime scenes and supervised processing such scenes when the Total Station Mapping System equipment was employed. App. 2 (Sweeney Decl. ¶2).

Mr. Sweeney has reviewed and analyzed the photographs of the bullet hole defects in Mr. Ivie's truck, the crime scene photographs and video, the demonstrative exhibits showing the color-coded rods placed into the bullet holes and the computer-generated scene diagram, Mr. Ivie's medical records documenting his injuries, including the images from X-rays and CT scans, the clothing Mr. Ivie was wearing when Deputy Adams shot him, and the trial testimony and pretrial statements of Deputy Adams.

Mr. Sweeney concluded that "Deputy Adams was not in the direct line of travel by Mr. Ivie's truck at the time that any of the eight shots were fired." App. 4 (Sweeney Decl. ¶9). Mr. Sweeney also concluded that at least two of the eight shots, which created bullet hole defects #3 and #4 (as labeled in the State's scene diagram) were not fired by Adams from in front of Ivie's truck but were actually fired from behind the truck. App. 4-5 (Sweeney Decl. ¶¶11-13); App. 14 (Sweeney Lab Rept. at 8). He has concluded that the state's diagram of the scene was significantly out of scale and misrepresents the position of some of the physical evidence

items. App. 4-5 (Sweeney Decl. ¶¶11-13); App. 14 (Sweeney Lab Rept. at 8). He concluded that the state's photographic depiction of bullet trajectory is "grossly inaccurate and completely contrary to the morphology of" two of the bullet hole defects in Ivie's truck. App.5 (Sweeney Decl. ¶12); App. 15 (Sweeney Lab Rept. at 9). Mr. Sweeney concluded that the position of firearm discharge for defects #3 and #4 would also account for the broken-out right glass panel of the three panel rear window – meaning that Adams fired a shot from behind the truck that went through the rear window and then out the passenger door window. App. 5 (Sweeney Decl. ¶14); App. 14 (Sweeney Lab Rept. at 8).

Mr. Sweeney concluded that Deputy Adams was not positioned as he claimed to the jury when he was shooting at Mr. Ivie's truck and that Ivie's truck was not headed toward Deputy Adams at the time the shots were fired. App. 4-5 (Sweeney Decl. ¶¶10-14); App. 15-16 (Sweeney Lab Rept. at 9-10). In fact, as Mr. Sweeney depicts in his report at Figures 19 and 20, Ivie's truck was headed away from Adams and toward the rear of Adams' car while Adams was positioned several feet in front of his car when Adams fired the first four shots. App. 24 (Sweeney Lab Rept. at 18). Adams fired the second burst of shots after Ivie's truck had passed Adams' car and was headed into the woods. Adams fired these shots while

standing directly in front of his car, with his car between him and Ivie's truck, as shown in Figure 20. App. 24 (Sweeney Lab Rept. at 18).

In addition, Mr. Sweeney examined the blood stains the police found in the interior of Mr. Ivie's vehicle. App. 16 (Sweeney Lab Rept. at 10). He determined that the stains in the rear seat could not have come from Mr. Ivie because they were from an injury sustained in that area of the truck. *Id.* The nature of the stains is consistent with Mr. Ivie's dog having jumped into the rear seat of the truck and having been shot and wounded before jumping out of the truck through the shattered rear window. *Id.*

Evidence of Mr. Sweeney's conclusions, had he or a similarly qualified expert been consulted by Mr. Ivie's trial counsel, would have provided exculpatory evidence in several respects. First, Mr. Sweeney's conclusions call into question the reliability of Deputy Adams' version of events. Second, Mr. Sweeney's conclusions call into question the reliability of the police investigation in this case. Third, Mr. Sweeney's conclusions demonstrate the inaccuracy of the State's photographic and diagram exhibits that purportedly demonstrate bullet trajectory. Fourth, Mr. Sweeney's conclusion corroborates Mr. Ivie's testimony about the direction of his truck vis-à-vis Deputy Adams. Fifth, as to the Assault

Third Degree conviction, because Mr. Sweeney's conclusions discredit Adams' version of events during the shooting, Adams' claim that Ivie intentionally backed his truck into his car is also suspect.

2. Trial counsel failed to introduce veterinary records or testimony from the veterinarians who determined that his dog had suffered gunshot wounds in order to corroborate Mr. Ivie's testimony and this failure prejudiced his defense.

In his hospital statement to the police and during his trial testimony, Mr. Ivie testified that at the time Deputy Reed contacted him and later when Deputy Adams contacted him on the night of February 9, 2012, his dog Shane was with him in his truck. RP 580-83, 585, 592-93. He testified that he had told Reed that he wanted to take his dog home before he was arrested. RP 580. Both deputies repeatedly denied that any dog was present. Reed testified he did not see or hear any dog in the area. RP 119. Adams denied seeing or hearing a dog during his contact with Ivie although he said he heard rustling in the brush when he approached Ivie's truck after having fired the shots. RP 351.

In his closing argument to the jurors the prosecutor ridiculed Mr. Ivie's claimed presence of his dog. ("And I'll submit to you the reason [defendant left] was not to get his puppy dog home.") RP 760.

At the time Deputy Adams shot Mr. Ivie, he also shot and wounded

his dog, Shane. Mr. Ivie's girlfriend, Barbara Marx, testified that the next day after she learned Ivie was shot she went up to his cabin on Dow Mountain, where she found his dog, Shane. RP 485. The dog was bleeding and his head and neck were swollen. She took the dog back with her to Shelton and over the next couple of days the dog's condition worsened, so on February 14, 2012 she took the dog to the Haigh Veterinary Clinic in Shelton to be treated, but could not afford to pay for X-ray images to be taken. RP 485-86.

Months later, trial counsel sought funds from the court to have the dog examined. The records of the Haigh Veterinary Clinic consist of a five-page chronological chart of notes regarding the examination and treatment of Shane, starting on February 14, 2012 and ending on June 28, 2012, and a one-page report interpreting images of Shane written by Charles R. Root, D.V.M. and a veterinary radiologist, dated June 8, 2012 with an addendum dated June 22, 2012. App. 71-76. A declaration from Edward Haigh, D.V.M., App. 77-78, a Shelton veterinarian, provides that the Haigh Chronological Records and the Radiographic Interpretation Summary by Dr. Root are accurate. App. 78 (Haigh Decl. ¶3). Dr. Haigh would have appeared at Mr. Ivie's trial and testified consistently with these records, had he been subpoenaed by Ivie's counsel. App. 78 (Haigh Decl.



¶4).

The Haigh records show that Ms. Marx brought Shane into the clinic for examination on February 14, 2012. App. 71. A declaration by Dr. Root and his Curriculum Vitae are attached. App. 79-116. Dr. Root's declaration explains the findings in his summary report and provides that he would have appeared at Mr. Ivie's trial and testified consistently with his report. App. 79-82. He would have offered his opinion that Shane had sustained at least one gunshot wound, had he been subpoenaed by Ivie's counsel. App. 82 (Root Decl. ¶9).

After Mr. Ivie's trial counsel obtained funding, Ms. Marx took Shane back to the Haigh Veterinary Clinic, where Dr. Edward Haigh on June 7, 2012 examined the dog and took X-ray images. He asked Charles Root, D.V.M., a Board-certified veterinary radiologist, to interpret the images. Dr. Root wrote a Radiographic Interpretation Summary documenting his findings. The initial report is dated June 8, 2012. Dr. Root found "multiple small irregularly-shaped metallic opacities" in the dog's abdomen and "metallic fragments" in the soft tissues of the dog's thorax and "'shrapnel' opacity" in the dog's dorsal cervical region. App. 81-82 (Root Decl. ¶¶6-8). Dr. Root added an Addendum to his Summary on June 22, 2012, explaining that he had asked the Clinic to provide additional images from the original

cassettes that were uniformly exposed using low exposure factors so that he could distinguish the metallic fragments he observed in the radiographic images of Shane from a small screen artifact from the imaging machine. App. 80-81 (Root Decl. ¶3). After reviewing the additional images in conjunction with the radiographic images, he was able to determine that the “opacities” he had noted “are the result of the patient having sustained at least one gunshot wound.” App. 81 (Root Decl. ¶4).

The State fought hard to try to prevent the introduction of the evidence that Mr. Ivie’s dog had in fact been shot. RP 401-04. The obvious reason that the State sought to keep this evidence from the jury was that it corroborated Mr. Ivie’s version of events and impeached the police version. Ultimately the State agreed to stipulate to the authenticity of the veterinarian’s report. RP 404. But later the State objected to the report’s introduction. RP 409. Mr. Ivie’s attorney failed to introduce the Haigh Veterinary Clinic chronological record and Dr. Root’s summary report interpreting the images into evidence. Mr. Ivie’s attorney failed to call either Edward Haigh, D.V.M., or Charles Root, D.V.M., the veterinary radiologist, to testify.

During the defense investigator’s testimony, Mr. Ivie’s counsel had

the Haigh's Veterinary Clinic records marked as Exhibit 88 and questioned the investigator about obtaining the records from Dr. Haigh. The investigator also testified that the report contained the opinion that the dog suffered gunshot wounds. RP 408. Defense counsel then offered the report and the State objected it was "cumulative." The Court sustained the objection. RP 409. Thereafter, defense counsel made no additional attempt to introduce the chronological record into evidence, nor did counsel call the veterinarians.

The State had objected to the testimony about the dog's injuries or any testimony or records from the Veterinarian on relevance grounds. RP 401. The defense argued that this evidence supported the credibility of Mr. Ivie. The defense argued that Deputy Reed had watched Mr. Ivie for some time before confronting him and had not seen a dog. RP 402. The court noted: "I'm going to overrule the objection because I'm talking about the credibility of the defendant." RP 403. Thus, the trial court had already determined that the report supported the credibility of Mr. Ivie. *Id.* The veterinary evidence would have also undermined the credibility of the two MCSO deputies who insisted there was no dog. There was no tactical reason for trial counsel's failure to introduce this evidence. Counsel's failure prejudiced Mr. Ivie's defense. When the court sustained the state's

objection to introduction of the records, defense counsel did nothing more to attempt to introduce this evidence, despite having recognized that the evidence was credible and crucial corroboration of his client's version of events.

3. Trial counsel's failure to obtain testimony from Mr. Ivie's medical doctor, who would have provided evidence about Mr. Ivie's inability to voluntarily waive his constitutional rights following anesthesia, surgery, and ingestion of opioid medication prejudiced his ability to challenge the admissibility of his hospital statement and prejudiced him during his jury trial.

Mr. Ivie was interrogated by Thurston County Sheriff's Office (TCSO) deputies at TGH very shortly after he had been transferred from the hospital's Emergency Department into the Intensive Care Unit after surgery to treat his gunshot wounds. He had been given opioid pain medications including morphine. The interrogation began at 12:17 p.m. on February 10<sup>th</sup>, less than eighteen hours after he had been shot multiple times and about nine hours after he was transferred into the ICU following surgical evaluation. One of the shots was to the back of his head. There were additional bullet entry wounds in his upper and lower back and on the back of his arm.

This Court, in addressing this issue on direct appeal, noted that "Ivie's eyes were closed throughout the interview and his speech was

somewhat slurred during the first portion of it.” Court Opinion at p. 5; RP 513, 533, 568.

This Court also noted that the trial court found that: “Ivie presented no evidence of the exact nature, timing, or duration of the surgery, or the severity of his wounds, other than his own testimony that he had been repeatedly shot, suffered a concussion, and was under the influence of morphine and Oxycontin.” *Id.* at 12. This Court also stated: “Ivie presented no expert medical testimony concerning his condition at the time or the effects of any drugs he had taken.” *Id.* at 12.

While Mr. Ivie, acting *pro se*, filed Supplemental Additional Grounds (SAG) in which he attempted to raise the issue of the failure of his trial counsel to obtain medical testimony, Mr. Ivie was unable to provide evidence to support his claim from the medical doctor who should have been called as a witness. This Court in part excused his trial counsel’s failure because the trial court had expressed “uncertainty as to whether and when such a hearing [a 3.5 or voluntariness hearing] would be held.”<sup>1</sup>

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<sup>1</sup> This Court noted: The record discloses several occasions before and during trial when the court and counsel discussed whether a hearing would be needed on the admissibility of Ivie's statements at the hospital. In these exchanges defense counsel expressed his need for testimony from the medical professionals who treated Ivie to competently challenge the voluntariness of Ivie's statements. These same exchanges also disclose some uncertainty as to whether and when such a

The trial court did tell defense counsel on Friday, June 29, that it might hold the hearing on the following Tuesday and the court was inclined to accept telephonic testimony from Mr. Ivie's doctor. RP 516. On Tuesday, July 3, the defense lawyer told the court he had tried to contact Mr. Ivie's doctors the day before (Monday) and simply had not heard back. RP 555. He never interviewed the doctor, made no effort to subpoena the doctor and never made an offer of proof as to the doctor's expected testimony.

Because defense counsel never interviewed Mr. Ivie's doctor as to the nature or his injuries or his condition at the time of his hospital interrogation, he could not make an offer of proof. Defense counsel did not even take exception to the trial court, but said, "[s]o I guess we'll have to proceed without the testimony from the doctors." RP 555.

Mr. Ivie's primary surgeon at TGH was Thomas Ferrer, M.D. A declaration from Dr. Ferrer and the medical records referenced in his

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hearing would be held. On Friday June 29, 2012, the trial court made clear, over defense counsel's objection that he needed additional time to arrange medical witnesses, that it would likely proceed with the hearing the following Tuesday whether or not the defense obtained those witnesses. The court held the hearing that Tuesday, and the defense did not present testimony from the medical professionals who treated Ivie or any expert testimony concerning Ivie's injuries or the nature and effects of whatever surgical procedure or medications had been employed. *Id.* at 21.

declaration are attached at Appendix 51-70. Had he been called to testify he would have provided the following information to the jury:

It was my impression that Mr. Ivie had (i) an open wound on the upper left back (ii) a left flank hematoma, (iii) a nickel-size wound on the left lower back draining blood; (iv) a nickel-size wound on the right lower back; (v) a small pea-size wound on the left lower back draining blood; (vi) multiple wounds around the left forearm and elbow; and (vii) scalp wound on the back of the head.

App. 52-53 (Ferrer Decl. ¶4, ¶8).

Dr. Ferrer would have also provided testimony about his review of CT scan and X-ray images of Mr. Ivie's chest, abdomen, pelvis and brain. He would have told the jury that Mr. Ivie had metallic fragments consistent with gunshot wounds in his chest, mid-abdomen, over his right axilla and right clavicle and also had suffered pulmonary contusions. App. 52-53 (Ferrer Decl. ¶6).

Dr. Ferrer would have been able to demonstrate with photographs or diagrams, or even pointing to his own body to show the jury the location of the gunshot wounds. He would have been able to use the notes he made on the body-outlines in his H&P & Consult Notes, which are within Ex. A to his declaration. App. 56-58.

Finally, Dr. Ferrer would have testified that Mr. Ivie reported being in severe pain and was administered morphine. Dr. Ferrer would

have told the jury that “it is frequently difficult to obtain information from a patient who is experiencing extreme pain and receiving morphine.”

App. 53 (Ferrer Decl. ¶ 7).

4. Trial counsel’s failure to present testimony from Mr. Ivie’s doctor, who would have provided evidence about the location of and mechanism of Mr. Ivie’s bullet wounds, prejudiced his ability during his jury trial to challenge Deputy Adams’ version of how the shooting took place.

In addition to the importance of medical testimony to support Mr. Ivie’s claim of inability to waive his rights at the time he was interrogated in the hospital, the medical testimony was critical to provide the jury with information about the number of, and location of, Mr. Ivie’s gunshot wounds in order to contravene the testimony of Deputy Adams. Adams testified that Mr. Ivie was driving his truck straight at him when he, fearing for his life, fired his assault rifle at Ivie.

While the jury heard that there were no bullet holes in the windshield or grill of the truck, the jurors never heard, except from Mr. Ivie, where his bullet wounds were. Mr. Ivie suffered bullet wounds to four separate areas of his body. One wound was to the back of his right upper arm, one was to the back and top of his head. The other two bullet entry wounds were to his back. One was to his left lower back, the other to his upper right shoulder. App. 52-53 (Ferrer Decl. ¶¶4-6), App. 54-62



(H&P & Consult Notes).

A reasonable inference that a jury could have drawn had evidence of the location of the gunshot wounds been credibly presented was that Deputy Adams was not, as he testified, standing directly in front of the truck as Mr. Ivie began accelerating forward, but that Adams was standing on the driver's side of the truck and fired *after* the truck had passed by him.

As to the location of, and mechanics of, his gunshot wounds, Dr. Ferrer would have been able to show the jurors using the diagrams in the medical records and using the photographs of Mr. Ivie's back that are shown in Figures #3 and #4 of Sweeney's Lab Report. App. 18.

5. Trial counsel's failure to obtain testimony from Mr. Ivie's doctor, who would have provided evidence about his physical and mental condition at the time he was interrogated at the hospital by the police, prejudiced his ability to explain and to challenge the impeachment of his direct testimony with his hospital statement.

During cross-examination, Mr. Ivie was repeatedly impeached by references to his hospital statement made while he was in pain and under the influence of narcotic pain medications and in the Intensive Care Unit of TGH on February 10, 2012. It appears that he was impeached no less than 13 times with statements he made at the hospital that differed from his trial direct examination. RP 602, 613, 625, 626, 629, 627, 639, 641, 654, 655, 664.

The prosecutor in his closing argument repeatedly referenced the impeachment of Mr. Ivie with his hospital statement. RP 746-48. As a result of his attorney's failure to present crucial and available evidence that corroborated Mr. Ivie's version of events, Mr. Ivie came across as a liar to the jurors. However, apart from Mr. Ivie's lay person description of his injuries and his hospitalization, the jury never heard from any doctor about Mr. Ivie's traumatic injuries and emergency room treatment that took place shortly before his interrogation, never heard about the nature of his injuries, and never heard about the narcotic pain medications he was under the influence of when he was interrogated.

Totally apart from any legal issue about the voluntariness of his statements, medical testimony would have helped the jury understand why Mr. Ivie's memory of some events was different at trial from when he had been extensively medically evaluated, had his multiple wounds treated, was in pain and was under the influence of narcotic pain medications in the hospital. Testimony from the treating surgeon on these issues would have gone a long way to counter the State's impeachment that portrayed Mr. Ivie as a liar, by showing that he was a person who understandably had memory lapses during a time immediately after enduring a major traumatic event, followed by extensive surgical evaluation and treatment and while

under the influence of very strong pain medications.

The jury never even heard, as the trial court did during the 3.5 hearing, that Mr. Ivie's eyes were closed and his speech was "somewhat slurred" at the time police detectives interrogated him.

TCSO Detective Simper, who testified during the 3.5 hearing about taking the statement from Mr. Ivie at TGH, did not know how many times Mr. Ivie had been shot. RP 514. He did not know what medications Mr. Ivie had been given. *Id.* He did not even know which unit of the hospital Mr. Ivie was in. RP 515. TCSO Detective Breen, who also testified during the 3.5 hearing, did not know if Mr. Ivie had taken any pain medication. RP 533. Detective Breen did testify that Mr. Ivie had his eyes closed during the interrogation, RP 557, but the jury never even heard this evidence because Breen testified only during the 3.5 hearing out of the presence of the jury.

6. Mr. Ivie's trial counsel's failure to introduce photographs of Mr. Ivie's gunshot injuries prejudiced his ability to challenge Deputy Adams' version of how the shooting took place.

Mason County Sheriff's deputies took photographs of Mr. Ivie's bandaged gunshot injuries after he was transferred to the jail. App. 18 (Figures #3 and #4, Sweeney Lab Rept. at 12). The State did not introduce these photographs because they impeached Deputy Adams' version of

events and would have undermined his credibility. Mr. Ivie's defense lawyer should have introduced this photographic evidence that corroborated his client, yet he did not even have them marked as exhibits. App. 123-128, (superior court List of Exhibits). The photos marked as Defense Exhibits 66-84 are photographs of the scene taken by the defense investigator. There is no reasonable strategic basis for counsel's failure to introduce this most graphic and compellingly exculpatory evidence. The photographs clearly depict the bullet wounds to Mr. Ivie's lower and upper back, and to the back of his left arm. Combined with medical testimony such evidence would have been admissible and would have been a strong counter to Deputy Adams' version of events – literally a picture worth a thousand words.

7. Trial counsel's failure to prepare Mr. Ivie to testify prejudiced his defense.

Prior to Mr. Ivie taking the witness stand at his jury trial, his counsel never showed him a transcript or played him the recording of the statement he made while in the TGH Intensive Care Unit. App. 118-119 (Ivie Decl. ¶10). As a result, he was unprepared to respond to questions about discrepancies between his trial testimony and his hospital statement.

The right to effective assistance of counsel mandates that an attorney both consult with and prepare a client to testify. *See Turner v. Duncan*, 158 F.3d 449, 457 (9th Cir. 1988). Counsel's inexplicable failure to prepare Mr. Ivie to answer questions on cross-examination is additional evidence of his ineffective assistance. *See Turner* 158 F.3d at 457 (failure to prepare a client to answer questions on cross-examination where entire case hinged on his intent and mental state was evidence of deficient trial counsel).

8. Trial counsel's closing argument failed to address basic exculpatory facts.

The State's opening closing argument covers 37 pages of the transcript. RP 726-63. Defense counsel's closing argument covers 10 pages. RP 764-74. He never mentioned, even in passing, that all of Mr. Ivie's wounds were to the back of his body. *Id.* Trial counsel never explained to the jurors Mr. Ivie's exhausted, traumatized and medicated physical and mental condition at the time he gave the hospital statement to blunt the impact of the cross-examination.

9. Trial counsel's failure to object to and to challenge the testimony of Detective Simper regarding the computer-based crime scene reconstruction analysis and exhibits where this witness had no part in the operation of the equipment or the taking of measurements was unreasonable and prejudiced Mr. Ivie's defense.

The State introduced several computer-generated images of the crime scene that purported to depict the location of various items of evidence such as the shell casings, Deputy Adams' vehicle, the purported path of Mr. Ivie's truck and the trajectory of the bullets fired by Deputy Adams, as exhibits 47-51. App. 125 (superior court List of Exhibits). Rather than calling the deputies who took the measurements, who located the items depicted, operated the equipment and who entered these data and used the software program, the State introduced this evidence through TCSO Detective Simper. RP 221, 224-28. Trial counsel failed to make any foundational objections to admission of this evidence through a witness who had no role in using the Total Station Mapping System to create it or to the witness's lack of qualifications to testify about these diagrams. During the cross-examination of Detective Simper, counsel asked no questions challenging the images, the measurements, or the accuracy of the bullet trajectories contained on the images. RP 248-54.

10. Trial counsel's failure to locate and interview a lay witness to corroborate Mr. Ivie's testimony prejudiced his defense.

Prior to trial Mr. Ivie told his lawyer about his prior history with MCSO Deputy Reed. Mr. Ivie asked his lawyer to investigate his concern that Deputy Reed had a strong bias against him and would fabricate

evidence against him. His lawyer did not conduct such an investigation. Had he done so, he could have called witness Aaron Churchill to testify about his encounter with Deputy Reed.

Mr. Churchill was contacted by Deputy Reed after Mr. Ivie's arrest and while Mr. Ivie was awaiting trial. App. 121 (Churchill Decl. ¶6). Reed told Churchill that Ivie had been charged with the theft of maple wood and wanted Churchill to testify falsely that he helped Ivie cut down the maple tree and took the wood to a mill to be sold. App. 121 (Churchill Decl. ¶¶7-9). Churchill had not helped Ivie cut down the maple tree nor did he take any of the wood to a mill. Nevertheless, Reed wanted him to testify as such. *Id.* Reed told Churchill that if he did so, he would not have to worry about anything for some time. App. 121 (Churchill Decl. ¶7). To Churchill this meant that Reed would leave him alone. Churchill had in the past been stopped by Reed and arrested. Churchill refused Reed's offer and went home and told his girlfriend about the encounter with Reed. App. 121 (Churchill Decl. ¶¶10-11).

Evidence that Deputy Reed would attempt to suborn perjury against Ivie is relevant to Reed's bias and credibility. Reed was the sole witness to the claim that Ivie attempted to run him down in the road as Ivie drove away from Adams. This claim was the basis for the charge of Assault First

degree charged in count 3. Adams did not corroborate Reed's claim, instead testifying that when he drove past Reed, Reed was standing upright. RP 297.

#### IV. ARGUMENT

##### A. TRIAL COUNSEL'S INEFFECTIVE ASSISTANCE PREJUDICED MR. IVIE

###### 1. Standard of Review for Claims of Ineffective Assistance of Counsel

The Sixth Amendment of the United States Constitution guarantees an person accused of a crime the right to assistance of counsel: "[t]he right to counsel is the right to the effective assistance of counsel." *McMann v. Richardson*, 397 U.S. 759, 771 n. 14 (1970). The Washington Constitution in article I, section 22, also guarantees an accused person the right to effective assistance of counsel. *State v. Tinkham*, 74 Wn. App. 102, 109, 871 P.2d 1127 (1994).

A claim that counsel was ineffective is a mixed question of law and fact that is reviewed de novo. *Strickland v. Washington*, 466 U.S. 668, 698 (1984); *In re Pers. Restraint of Brett*, 142 Wn.2d 868, 873, 16 P.3d 601 (2001). "A defendant is denied effective assistance of counsel if the complained-of attorney conduct (1) falls below a minimum objective standard of reasonable attorney conduct, and (2) there is a probability that



the outcome would be different but for the attorney's conduct." *State v. Benn*, 120 Wn.2d 631, 663, 845 P.2d 289 (1993) (emphasis omitted) (citing *Strickland*, 466 U.S. at 687-88). Thus, to prevail on a claim of ineffective assistance of trial counsel, an appellant must show both deficient performance and prejudice. *Strickland*, 466 U.S. at 687; *State v. Hendrickson*, 129 Wn.2d 61, 77-78, 197 P.2d 453 (1996).

To establish deficient performance, the defendant "must show that counsel's representation fell below an objective standard of reasonableness." *Id.* at 688. "[A] court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action might be considered sound trial strategy." *Id.* (internal quotation marks omitted). The deference afforded counsel's informed, strategic choices, does not, however, eliminate counsel's duty to "make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." *Strickland*, 466 U.S. at 690-91. A defense counsel "has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." *Lord v. Wood*, 184 F.3d 1083, 1093 (9th Cir. 1999).

In *Strickland*, the Court specifically addressed so-called "failure to investigate" claims, explaining that "strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable." *Id.* at 690-91. The Court further explained, however, that "strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." *Id.* at 691. In short, "counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." *Id.*

To show prejudice, the defendant need not prove that the outcome would have been different but must show only a "reasonable probability" – by less than a more likely than not standard – that, but for counsel's unprofessional errors, the result of the proceedings would have been different. *Strickland*, 466 U.S. at 694; *Hendrickson*, 129 Wn.2d at 78.

The standard of review when trial counsel fails to object to the admission of evidence requires a showing that (1) counsel's failure to object fell below an objective standard of reasonableness, (2) the proposed objection would have been sustained, and (3) the result of the trial would have differed. *In re Pers. Restraint of Davis*, 152 Wn.2d 647, 714, 101 P.3d 1 (2004).

## 2. Trial Counsel's Performance Was Deficient

Trial counsel must conduct investigation and investigation includes witness interviews. *State v. Ray*, 116 Wn.2d 531, 548, 806 P.2d 1220 (1991) ("Failure to investigate or interview witnesses, or to properly inform the court of the substance of their testimony, is a recognized basis upon which a claim of ineffective assistance of counsel may rest." (citing *State v. Visitacion*, 55 Wn. App. 166, 173-74, 776 P.2d 986 (1989))).

Thus, failure to interview a particular witness can certainly constitute deficient performance. *Id.* ("Failure to investigate or interview witnesses ... is a recognized basis upon which a claim of ineffective assistance of counsel may rest."); *Jones v. Wood*, 114 F.3d 1002 (9th Cir. 1997) (failure to investigate witnesses called to attention of trial counsel as important constitutes ineffectiveness).

A reviewing court can defer to a trial lawyer's decision against calling witnesses if that lawyer investigated the case and made an *informed* and reasonable decision against conducting a particular interview or calling a particular witness. *See, e.g., State v. Hess*, 12 Wn. App. 787, 788-90, 532 P.2d 1173 (1975) (decision not to subpoena potentially harmful witness was justified); *State v. Floyd*, 11 Wn. App. 1, 2, 521 P.2d 1187 (1974) (decision not to call alibi witness legitimate part of trial

strategy). But courts will not defer to trial counsel's uninformed or unreasonable failure to interview a witness. *See Ray*, 116 Wn.2d at 548. As the United States Supreme Court has explained, "strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." *Strickland*, 466 U.S. at 690-91.

Strategic decisions are those made before, not after, taking the challenged action. *Avila v. Galaza*, 297 F.3d 911, 920 (9th Cir. 2002) ("[C]ounsel can hardly be said to have made a strategic choice when s/he has not yet obtained the facts on which a decision could be made." (alteration in original) (quoting *Sanders v. Ratelle*, 21 F.3d 1446, 1457 (9th Cir. 1994))). Trial counsel did not seek out a qualified crime scene expert qualified to reconstruct bullet trajectory and the use of the Total Station Mapping System, thereby failing to present evidence to corroborate Ivie's version of events but also failing to prevent highly questionable evidence from coming before the jury. He did not interview or call to testify Ivie's emergency room surgeon regarding Ivie's injuries, medical evaluation and treatment, pain medications provided and physical and mental condition at the time he was interrogated. He did not call the veterinary doctors who examined Ivie's dog, Shane, for gunshot wounds

and who possessed images showing metallic bullet fragments in the dog's body. Trial counsel did not introduce photographs taken by police of Ivie's bandaged wounds – to the back-side of his body. Finally, he did not make an informed decision not to interview Churchill, and he therefore could not have made a strategic – i.e, an informed-decision against calling Churchill as a witness.

3. Trial Counsel's Deficient Performance Prejudiced Mr. Ivie.

As to the question of prejudice there is certainly a reasonable probability that the failure to interview and to call witnesses affected the trial's outcome, starting with defense counsel's failure to interview and to call Mr. Ivie's treating surgeon.

Dr. Ferrer would have testified as to the location of Mr. Ivie's gunshot wounds. Such testimony was critical to the jury assessing Deputy Adams' testimony about his position vis-à-vis Mr. Ivie's truck when he fired the shots. Second, Dr. Ferrer would have explained to the jury that near the time of his hospital room interrogation Mr. Ivie had complained of extreme pain and was medicated with morphine and oxycodone. Dr. Ferrer would have told the jury that "it is frequently difficult to obtain information from a patient who is experiencing extreme pain and receiving

morphine.” App. \_\_ (Ferrer Decl. ¶ 7). Trial counsel did not make an informed decision against calling Dr. Ferrer. Instead, he made no decision, because he had neither interviewed Dr. Ferrer nor arranged for his testimony.

The failure to consult with and to call a qualified forensic crime scene expert who was familiar with the Total Station Mapping System and crime scene reconstruction was extremely prejudicial. The two witnesses called by the defense, investigator Doughty and firearm expert Hayes knew nothing about this system and were unqualified to discern that the state’s diagrams were not to scale and that the location of some evidence was in fact misrepresented. Hayes admitted to being “old school.” In addition, the defense witnesses were not qualified to examine the bullet defects in the truck to discern that in fact the state’s photographs showing two of the colored rods placed by the police purportedly depicting the bullet trajectory were “grossly inaccurate and completely contrary to the morphology of the two defects.” App. 5 (Sweeney Decl. ¶12); App. 15 (Sweeney Lab Rept. at 9). Defense counsel sat on his hands and did nothing to challenge the State’s dramatically inaccurate exhibits about the bullet trajectory and did nothing to impeach Deputy Adams’s claims about where he was standing when he shot Mr. Ivie multiple times in the back of

his body. Trial counsel's failure to object on foundational grounds to the exhibits being offered through a witness who had no role in creating the exhibits and no personal knowledge of the data contained in the exhibits was unreasonable. Had a timely objection been made, the trial court would have sustained the objection because the witness had no personal knowledge and was not qualified as an expert. ER 602, 702. Trial counsel's failure to object allowed the jury to receive unreliable and misleading evidence that prejudiced Mr. Ivie.

The failure to call the veterinarian and veterinary radiologist who examined and treated Ivie's dog, Shane, was also prejudicial. Such evidence would have corroborated Ivie's testimony that he wanted to take his dog home before being arrested. Further, such testimony tends to diminish the credibility of the State's witness Reed who testified that Ivie did not have his dog with him. If the jury found Reed to lack credibility about that fact, the jury may also have questioned Reed's claim that Ivie had tried to run him down.

The failure of trial counsel to interview Aaron Churchill was also prejudicial. If the jury believed Churchill's claim that Reed tried to recruit him to give false testimony against Ivie, Reed's trial testimony would have been more suspect.

The combined errors of trial counsel lead to the conclusion that these errors affected the outcome. Trial counsel's failure to render effective assistance of counsel to Ivie undermines any confidence in the jury verdicts.

B. The Prosecutor Committed Flagrant and Ill-intentioned Misconduct by Disparaging the Role of Defense Counsel.

1. The Prosecutor Disparaged the Role of Defense Counsel.

During the rebuttal closing argument the prosecutor repeatedly impugned the role and integrity of defense counsel. The prosecutor stated:

“Apparently, *Mr. Foley wants you to ignore the testimony of*, for example Fred Doughty and Martin Hayes...” RP 775.

“But *Mr. Foley wants you to forget* about everything else you’ve heard evidence of...” RP 775.

“*Mr. Foley would have you believe that these rogue cops....* RP 780.

“*Mr. Foley says that the angles that the shots that Sergeant Adams fired don’t add up. Apparently, he’s really asking you to again, ignore the testimony of all the witnesses....* RP 781.

2. The Prosecutor Committed Flagrant and Ill-intentioned Misconduct that Prejudiced Mr. Ivie.

While it is proper for a prosecutor to tell the jury not to ignore



evidence, the prosecutor crosses the line when he suggests that the defense attorney *wants* the jury to violate their duty to consider all the evidence. It is improper for the prosecutor to disparagingly comment on defense counsel's role or impugn the defense lawyer's integrity. *State v. Warren*, 165 Wn.2d 17, 29-30, 195 P.3d 940 (2008); *State v. Negrete*, 72 Wn. App. 62, 67, 863 P.2d 137 (1993).

Trial counsel made no objections to these repeated improper arguments. His failure to do so prejudiced Mr. Ivie's defense.

Prosecutorial misconduct requires reversal if there is a substantial likelihood that it affected the verdict. *In re Glasmann*, 175 Wn.2d 696, 704, 286 P.3d 673 (2012). Even absent an objection, error maybe reviewed if it is "so flagrant and ill-intentioned that an instruction would not have cured the prejudice." 175 Wn.2d at 704. Furthermore, prosecutorial misconduct may be argued for the first time on appeal if it is a manifest error that affects a constitutional right. Where prosecutorial misconduct infringes a constitutional right, prejudice is presumed. *State v. Toth*, 152 Wn. App. 610, 615, 217 P.3d 377 (2009). The burden is on the state to show harmlessness beyond a reasonable doubt. *State v. Irby*, 170 Wn.2d 874, 886, 246 P.3d 796 (2011).

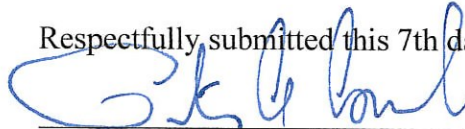
If the issue is not preserved for review, Mr. Ivie was denied the effective assistance of counsel by his attorney's failure to object. Failure to object to improper closing arguments is objectively unreasonable under most circumstances. At a minimum, an attorney who believes that opposing counsel has made improper closing arguments should request a bench conference at the conclusion of the opposing argument, where he or she can lodge an appropriate objection out [of] the hearing of the jury. *Hodge v. Hurley*, 426 F.3d 368, 386 (6<sup>th</sup> Cir. 2005). Such an approach preserves the continuity of each closing argument, avoids calling the attention of the jury to any improper statement, and allows the trial judge the opportunity to make an appropriate curative instruction, or declare a mistrial.

In Mr. Ivie's case, defense counsel should have objected to the prosecutor's flagrant and ill-intentioned misconduct. The prohibition against disparaging the role of defense counsel is well established. By failing to object, counsel's performance fell below an objective standard of reasonableness. Trial counsel's failure caused prejudice to Mr. Ivie and there is a reasonable probability that absent counsel's failure the outcome of the trial would have been different.

## V. CONCLUSION

For the all the foregoing reasons, Martin Ivie respectfully asks this Court to vacate his convictions. In the alternative, he asks that the Court order discovery and an evidentiary hearing to resolve any factual disputes about Mr. Ivie's unlawful restraint.

Respectfully submitted this 7th day of October 2016.



Peter A. Camiel, WSBA # 12596



Catherine A. Chaney, WSBA # 21405  
Attorneys for Petitioner Martin S. Ivie

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COURT OF APPEALS  
DIVISION II

2016 OCT -7 AM 10:06

STATE OF WASHINGTON

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

BY \_\_\_\_\_  
DEPUTY

IN RE THE PERSONAL RESTRAINT OF  
MARTIN S. IVIE,  
Petitioner.

APPENDIX TO PRP

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6  
7 FOR MASON COUNTY

8 State of Washington,

Case No.: 12-1-00064-6

9 Respondent/Plaintiff

DECLARATION OF KAY SWEENEY

10 v.  
11

12 Martin S. Ivie,

13 Petitioner/Defendant  
14

15 I declare under penalty of perjury under the laws of the state of Washington  
16 that the following is true and correct to the best of my knowledge:

- 17  
18 1) I am a forensic scientist and the principal forensic scientist for KMS  
19 Forensics, Inc. an independent laboratory and consulting enterprise. My  
20 Curriculum Vitae is attached hereto which outlines my professional  
21 training and associations, employment, experience and credentials.  
22  
23 Among the positions I have held in over 50 years working as a forensic  
24 scientist are state-wide Program Manager for the WSP Crime Scene  
25 Response Team, Crime Laboratory Manager for the WSP/CDL Seattle,  
26

1 Chief Criminalist for the WSP/CDL in Seattle, Crime Laboratory  
2 Director for the King County Sheriff's Office and Criminalist for the  
3 Seattle Police Department's Crime Laboratory. I have taught, consulted,  
4 made numerous presentations, and conducted research in forensic science  
5 and in particular in the area of crime scene reconstruction to include  
6 bullet trajectory identifications and documentation. I have been asked to  
7 consult and conduct laboratory examinations and analysis of physical  
8 evidence in numerous cases involving the complex evaluation and  
9 interpretation of crime scenes where firearms have been discharged. I  
10 have testified as an expert witness in State and Federal Courts throughout  
11 the State of Washington and in several other states.

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16 2) I am familiar with the Total Station Mapping System as I was the  
17 manager for the WSP Crime Scene Response Team and responded to  
18 crime scenes and supervised the processing of crimes scenes where this  
19 equipment was employed.  
20  
21  
22 3) I was asked by Mr. Ivie's post-conviction attorney to review evidence  
23 related to the February 9, 2012 shooting that occurred on Dow Mountain,  
24 Washington that resulted in Mr. Ivie being charged in Mason County  
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1 Superior Court with several charges to include Assault First Degree  
2 involving Mason County Deputy Adams.  
3

- 4 4) I was provided with crime scene and evidence photographs, computer  
5 generated diagrams prepared from use of the Total Station Mapping  
6 System, trial testimony, and witness statements and police reports from  
7 the Mason and Thurston County Sheriff's Office. I was also provided  
8 with a report prepared by a defense firearm consultant Marty Hayes. I  
9 was also provided with Mr. Ivie's medical records, photographs of his  
10 bandaged injuries, and his hospital x-rays.  
11  
12 5) Mr. Ivie's truck was no longer available for examination as it had been  
13 destroyed. The firearm employed by Deputy Adams was also no longer  
14 available as it had been placed back in service. However, I was provided  
15 with police produced photographs both from the crime scene and police  
16 impound area which showed the damage and bullet defects to his vehicle.  
17  
18 6) I was also able to laboratory examinations and analysis of the clothing  
19 Mr. Ivie wore at the time of the incident.  
20  
21 7) I was specifically asked to examine the available evidence and offer an  
22 opinion regarding the bullet trajectory from shots fired by MCSO Deputy  
23  
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1 Adams and the relative positions of Deputy Adams, Adams patrol car,  
2 and Mr. Ivie's vehicle at the time the shots were fired.  
3

4 8) A detailed report of my review and examination of the evidence is  
5 contained in the attached POST CONVICTION LABORATORY  
6 REPORT.  
7

8 9) Based on my review of the evidence made available to me, Deputy  
9 Adams was not in the direct line of travel by Mr. Ivie's truck at the time  
10 any of the eight shots were fired. Figures 19 and 20 of my report  
11 document my opinion regarding the positioning of Deputy Adams, his  
12 vehicle and Mr. Ivie's truck at the time Deputy Adams fired. Figure 19  
13 documents my opinion regarding Deputy Adams location when he fired  
14 the first volley of four shots. Figure 20 documents my opinion regarding  
15 Deputy Adams position when he fired the second volley of four rounds.  
16  
17

18 10) When Deputy Adams fired the first volley of shots he was positioned in  
19 front of, and slightly to the left of the hood of his police vehicle and to  
20 the left of Mr. Ivie's vehicle and approximately even with the driver's  
21 door of Mr. Ivie's truck.  
22  
23

24 11) When Deputy Adams fired the second volley of shots he was positioned  
25 directly in front of the driver's side of the hood of his vehicle. Mr. Ivie's  
26

1 vehicle was well past the rear of Deputy Adams vehicle and down the  
2 wooded embankment.  
3

4 12) Police photographs and diagrams depicting the trajectory of defects #3  
5 and #4, included in my report at figures 6 and 9, are grossly inaccurate  
6 and completely contrary to the morphology of those two defects. The  
7 police photographs of the trajectory for defects #3 and #4 appear to show  
8 the trajectory as from front to back at a shallow angle when an  
9 examination of these defects clearly shows that the bullets that created  
10 these defects came from back to front. Figures 12 and 13 of my report  
11 show the distinct characteristics of defects #3 and #4 which support my  
12 conclusion that the trajectory for these defects was from back to front,  
13 and not front to back as the police demonstration and digram depicts.  
14  
15

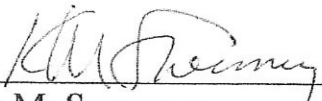
16 13) At the time the bullets that created defects #3 and #4 were fired, Mr.  
17 Ivie's truck was over the embankment and well past Deputy Adams' car.  
18

19 14) The position of firearm discharge that I have indicated in figure 20 is an  
20 ideal position for direction of fire through the right glass panel of the  
21 three panel rear window and out the passenger's door window.  
22  
23

24 15) If called at a trial or hearing in this case I would provide testimony  
25 consistent with this declaration and my report attached hereto.  
26

1 DATED this 3<sup>rd</sup> day of October, 2016.

2 In Kirkland Washington.

3  
4   
5 Kay M. Sweeney



## KMS FORENSICS INC

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*Re: State v. Martin S. Ivie; Laboratory #2k16-010; Cause #12-1-00064-6*

### POST CONVICTION LABORATORY REPORT

#### **Brief Background:**

Court records record that on the night of February 9, 2012 MCSO Deputy Reed hid near a downed maple tree waiting to see if someone would come to cut it and take wood. Martin Ivie arrived at approximately 8:00pm in his Dodge Dakota pickup. Reed confronted and tried to arrest Ivie. Reed and Ivie knew each other and Reed knew where Ivie lived. Ivie told Reed he intended to take his dog home and that Reed could come arrest him at his home. Over Reed's objections, Ivie got in his truck and drove off. In the meantime, MCSO Deputy Adams was coming up the road in his police car to back-up Deputy Reed. Adams, upon hearing by radio that Ivie was headed his way, stopped his car and exited with his assault rifle. Ivie apparently saw Adam's car's lights, stopped, turned his truck around and headed up the road where Reed had been following him on foot. Reed claimed that Ivie drove right at him and that he had to jump out of the road to avoid being hit. This formed the basis for count 3, Assault First Degree. Adams pursued Ivie up the winding narrow dirt road for miles. At one point Ivie, after making a right turn, began to back up. Adams braked and the two vehicles made contact. This contact formed the basis for count 5, Assault Third Degree. Ivie then took off again. Ivie drove to a landing at the end of the road near an unoccupied trailer. Adams drove up to the landing but stopped his car just short of the landing and got out with his assault rifle. Adams claimed that Ivie made a turn with his truck and drove directly toward Adams. Adams claimed he ran to his right to get out of the way and at that moment fired four shots at Ivie, followed by four more shots as Ivie drove past him. This formed the basis for count 6, Assault First Degree. Shots from Adams' assault rifle struck Ivie and his truck crashed down a wooded bank and came to a stop. Ivie had sustained a number of bullet wounds—all to the back side of his body. Emergency medical technicians arrived and transported Ivie to Mason General Hospital (MGH). The attending surgeon at MGH, John Short, M.D., transferred Ivie to Tacoma General Hospital (TGH) late that night, February 9<sup>th</sup>. On February 10<sup>th</sup>, at approximately 12:15 p.m., two investigating law enforcement officers interrogated Ivie, who was under guard while in the TGH Intensive Care Unit. At trial the State introduced exhibits including demonstrative photographs of the bullet holes in the driver's side of Ivie's truck with rods of different colors placed to depict the trajectory of the bullets fired by Adams. Those photographs along with computer-generated diagrams depicting the bullet trajectory were based on the claim and purported to demonstrate that Ivie had been driving at Adams and that Adams had initially fired his weapon as Ivie was driving toward him.

I have been asked to review selected information and materials relating to the above identified case in an effort to reconstruct elements of the shooting to the extent possible based on the available information and materials. To that end I have reviewed scene diagrams and several photographs taken by police investigators and I have conducted laboratory examinations of a limited number of items of physical evidence collected and preserved by law enforcement investigators.

While assigned to the Washington State Patrol, Crime Laboratory Division (WSP/CLD) Headquarters I was

charged with the duty to form a state-wide WSP Crime Scene Response Team (CSRT). My CSRT duties included the design of the CSRT program, development of training for team members, writing of a WSP Regulation Manual chapter defining CSRT role and operation, writing WSP Training Bulletins detailing CSRT function, writing announcements for distribution to law enforcement agencies relative to services available from the CSRT and protocols for call-out, and coordinating all activities of the CSRT including receiving all calls via pager, dispatching customized teams for response to scene assistance requests, responding in person to scenes and managing the activities of team members on the scene. Many of those scene responses required the documentation of the scene by total station techniques and the use of those techniques and their results were part of my responsibility. The subject case of this report involves such evaluation and interpretation.

### **Scene:**

Photographs depict a bright blue Dodge Dakota extended cab, two door, 4x4 pickup in a wooded scene, off road and against or next to brush, trees undergrowth and disrupted soil; views include a dirt roadway running to a parked fifth wheel mobile camping structure and associated yard improvements along with a police vehicle parked on the dirt road leading to the camping structure. The Dodge Dakota pickup was reportedly being driven on the scene by Martin S. Ivie.

A scene diagram prepared by police investigators is apparently intended to essentially depict the position of vehicles, fifth wheel camper, expended cartridge casings, broken glass, other objects and tire tracks of the Dodge Dakota pickup's travels (See Figure #1). This diagram and investigative reports show and describe the Dodge Dakota pickup approaching the scene property along the dirt roadway and coming to a stop adjacent to the camping vehicle (fifth wheel) where the road ends. The Dodge Dakota pickup's tire tracks arc from the dirt road into/beyond the road end for approximately 70 feet but this diagrammed arc does not connect to tracks that proceed away from the arc. The pickup tracks leading away from the arc are diagrammed as beginning near the end of the arcing tracks and proceed back toward the parked police vehicle by crossing the yard of the residence, crossing the dirt road behind the parked police vehicle and continuing in nearly a straight line into the woods below (in elevation) the level of the dirt road. The left side tire track of the pickup passes within just over three feet off the rear left bumper end of the parked police vehicle and the tracks are diagrammed as traveling approximately 105 feet from start to finish. The pickup obviously side swiped at least one sapling sized tree causing loss of bark to the tree and exterior sheet metal buckling of at least the left front fender, the left side door and left side quarter panel and the driver's side outside mirror appears to have been recently forcibly removed. A side view mirror was photographed on the ground somewhere along the path of the pickup into the woods; the mirror does not appear on the diagram and it apparently was not given an evidence scene marker number nor was it collected as evidence. Scene photographs depict the pickup with glass missing from the driver's door, the entire quarter side window to the rear of the driver's door, from a portion of the right window pane of the three pane rear window and from the passenger's side door. Apparent bullet impact/passage defects are depicted in the driver's door sheet metal, left side quarter panel sheet metal and passenger's door sheet metal.

At least two areas of significant broken auto side window type glass deposits were documented by photographs and in the diagram. One deposit is noted to the right side of the tracks left by the pickup truck at a point approximately 20 feet from the start point of straight line track depiction that ends in the woods and approximately 20 feet from the driver's side of the parked police vehicle (See Figure #1).

The other glass deposit is documented in the diagram as being on the ground between the right and left tire tracks of the pickup at a point approximately 44 feet from the start point of the straight line track depiction that ends in the woods. The position of this deposit measures approximately five feet from the left rear bumper end of the parked police vehicle (the closest point in measurement from the police vehicle) (See Figure #1). Photographs show a deposit of broken window glass between the left tire track of the pickup and the left rear bumper end of the parked police vehicle where the glass deposit extends under the left rear bumper end of the parked police vehicle (See Figure #2).

Two groups of eight total expended cartridge casings are depicted in photographs and on the diagram of the scene (See Figure #1). One grouping of four casings occupies an area of approximately 8.5 feet by 2 feet on the

ground and the other is a linear grouping of four casings occupying an area approximately four feet long. The groupings are a little over seven feet apart at their closest boarder.

A diagram that is apparently meant to represent the bright blue Dodge Dakota pickup was also prepared by police personnel and it includes apparent bullet trajectory lines and a scale (See Figure #9).

The scale included on the diagram of the scene is off/inaccurate (See Figure #1). When compared to the scale of the pickup, the scales are equal at five foot increments, however the scene diagram's scale has equal increments for one foot, two foot and three foot spacing but the length of the increment for the four foot spacing is larger. It appears that the one foot through three foot marks are too close together and the distance between the three foot and four foot marks is made larger to accommodate for the inaccurate shorter distance between the one foot through three foot marks. The same discrepancies are noted in the five foot to ten foot markings.

### **Injuries:**

Martin S. Ivie is described in the Washington State Driver's License that he carried at the time of this incident as 6 feet 3 inches tall and 255 pounds in weight and photographs taken of him in police custody support that data.

Mr. Ivie suffered bleeding injuries to the back of his head, his upper right back between his spine and his right shoulder, his lower left back, and the back of his left forearm near the elbow (when viewed from behind Mr. Ivie while he is standing with his arms extended down along his side) (See Figures #3 and #4). All injuries are covered with bandaging as depicted in photographs. No photographs of open wounds were submitted to this laboratory. X-rays of Mr. Ivie's upper torso show a distribution of radio opaque particulate in his right upper back area.

### **Evidence Examination:**

*Item: One Bushmaster Model XM15-E2S, .223 caliber rifle;* was reportedly fired on the scene by Sgt. Adams and was the only firearm discharged on the scene. This firearm was not available for examination and analysis by this laboratory, however a witness during police test firing of this rifle determined that when fired it discharged expended cartridge casings to the right to a distance of approximately twelve feet.

*Item: One bright blue Dodge Dakota pickup with Washington State License plate # B76920H;* was transported from the scene to police storage where it was examined and documented by police personnel. The pickup was later released to local fire department personnel who ultimately subjected the pickup to several set fire experiments/exercises. The pickup was therefore not available to this laboratory for laboratory examination and analysis. The vehicle was photographed both at the scene and while in police custody. Those photographs depict significant quantities of apparent volume blood deposits (such as from actively bleeding wounds) on the driver's seat area (both seat bench and back support sections), on the clothing item on the driver's seat back, on the driver's door panel, on the center console and on areas in the rear seating (extended cab) space behind the driver's seat; apparent contact transfer blood staining on most all of those same areas; and apparent blood smearing on most all of those same areas. Contact transfers, smearing and volume apparent blood deposits in the rear seat area also include fine wispy streaks typical of bloody hair brushing against the deposit surface. Two such areas appear on either side of the left side quarter window opening and on the plastic above the driver's side seat back area of the seating behind the driver's position (See Figure #5).

Missing window glass was noted in the driver's door, quarter side window on the driver's side, right panel of the three panel rear window and the passenger's door window. A significantly larger amount of glass is missing from the pickup's broken rear window panel as depicted in the police storage facility than depicted at the scene.

Driver's door window glass observations: Photographs of the pickup at the scene show a large amount of glass on the driver's seat and driver's floor.



Driver's side quarter window glass observations: This window is a flipper style window with a vertical hinge at the front edge allowing it to be opened at the rear edge by release of a clamp style mechanism attached to the glass by a Phillip's head through bolt. The window is thus frameless and seals against the outside environment by pressure, when clamped closed against a rubber weather strip that is mounted completely around the quarter window opening in the cab sheet metal. Photographs depict a small amount of glass in the clamping closure mechanism of this window at the through bolt mount and at the vertical hinge site but otherwise the entire window pane is missing. Scene photographs depicted heaped materials on the inside of the pickup behind the driver's seat and therefore covering the rear seat bench and seat back in that area and no broken glass can be seen in that area meaning that no interpretation can be made about whether there was broken glass in that area or not at the scene. Police processing photographs depict the seating in that area before removal of all covering objects and a small amount of broken glass is visible on the left side seating area and on a portion of the covering objects in view. One photograph depicts a limited section (center left) of the floor in the left rear seating area and no glass is visible on the floor in that view.

Right side panel glass of the three glass panel rear window observations: A vertically oriented (with a backward slant as depicted both at the scene and in police custody) venetian style structure of horizontal steel slats welded to vertical rods is depicted in the bed of the pickup. This venetian style grillwork is noted to be essentially covering and protecting the rear window glass from impact by objects carried in the bed. The horizontal slats are spaced such that small objects, such as bullets, could pass through without impacting the slats. No damage is noted in photographs to the exterior of this structure and the interior of the structure is not depicted. A photograph taken during police processing of the pickup shows one apparent window glass fragment in the bed of the pickup near the vertical slatted structure covering the rear window. A significant amount of broken glass is depicted on the right rear seat bench, below the broken window.

Right side door window glass observations: A rounded hole with protruding ragged edges typical of bullet exit in sheet metal is noted just below the bottom edge of the window opening in the right side door. A significantly smaller amount of broken glass is depicted inside the pickup on the right front passenger's seat and on the floor in the same area than was noted on the driver's side.

Photographs taken during police processing of the pickup depict a small number of window glass fragments positioned on top of the passenger's side dash above the glove box and near the center of the dash at the windshield. Scene photographs show a thick stack of papers on the dash above the glove box with broken glass on top of the papers.

Bullet impact and passage defect observations: Several fired bullet impact sites are obvious in submitted photographs of the bright blue Dodge Dakota pickup and they were apparently arbitrarily designated with numbers 1, 2, 3, 4, 6, 7, 8, 9 and 10 (See Figures #6, #7 and #8) with number 5 assigned to the right rear window of the three window sectioned rear window which was obviously believed to have been broken out by gunfire. All numerical labeling included a two inch scale with a numeral hand written in black ink on the scale. The scale was placed directly under the defect in all instances so that scales placed on the left exterior of the vehicle would align with the left end of the scale toward the front of the vehicle, scales placed on the right exterior of the vehicle would align with the right end of the scale toward the front of the vehicle and so on. Observations stated in this report will refer to the numbering system as designated above. Photographs taken by police investigators depict bullet impact/passage defects and in addition, defects #1, #2, #3, #4, #7 and #9 include bullet trajectory probes apparently intended to demonstrate direction of travel of bullets as they entered various parts of the vehicle. The trajectory angles represented by the photographed positions of these probes were then transferred by police investigators to a diagram of the pickup using five red lines entering the vehicle's left side with one continuing on to exit the right side of the pickup (See Figure #9). The following interpretations can be made relative to these trajectory lines considering their entry points into the left side of the vehicle and moving from front to back;

The first line is apparently meant to depict a bullet entry into the driver's door (left to right relative to the centerline of the pickup) at defect #1 that exits the interior driver's door panel at defect #6 where it continues on passing through the interior of the vehicle until it enters the interior door panel of the right door at defect #8 and exits the passenger's door at defect #7. The bullet trajectory is defined as left to right and slightly front to back, in other words slightly off a 90 degree (perpendicular) entry.

The second line is apparently meant to depict bullet entry into the vehicle through the driver's door window (left to right relative to the centerline of the pickup), pass through the interior of the vehicle and impact the front passenger's seat belt point of attachment to the upper interior right side cab structure at bullet defect #9.

The third line is apparently meant to depict bullet entry into the driver's door at defect #2 (left to right relative to the centerline of the pickup). The bullet trajectory is defined as left to right and slightly front to back, in other words slightly off a 90 degree (perpendicular) entry.

The fourth line is apparently meant to depict bullet entry into the driver's side quarter panel at defect #3. The bullet trajectory is defined as left to right relative to the centerline of the pickup and front to back approaching at a shallow angle.

And the fifth line is apparently meant to depict bullet entry into the driver's side quarter panel at defect #4. The bullet trajectory is defined as left to right relative to the centerline of the pickup and front to back approaching at a shallow angle.

Bullet defect #1 observations: This is a round, approximately 1/4 inch diameter hole in the driver's door exterior at a point approximately 2 inches down from the window opening and approximately centered between the front edge of the door and the back edge. The edge of the hole oriented toward the rear of the vehicle has an irregularly shaped raised lip extended outward from the exterior surface of the door sheet metal with the rest of the hole margin bent inward; these characteristics are typical for bullet entry and the raised edge of the hole toward the rear of the vehicle is a characteristic of bullet entry along a trajectory from front to back relative to the length of the vehicle (See Figure #10). The angle of trajectory for this defect is front to back with a small angle of deviation from a 90 degree (perpendicular) entry into the left side of the vehicle (large angle, but short of 90 degrees, with respect to the side of the vehicle). Apparent tree bark is present on the ragged, raised metal lip.

Bullet defect #2 observations: This is a round, approximately 1/4 inch hole in the driver's door exterior at a point approximately 10 inches down from the window opening, directly below the driver's door handle and approximately 7" from the back edge of the door. The edge of the hole oriented toward the rear of the vehicle has a raised lip extended outward from the exterior surface of the door sheet metal with the rest of the hole margin bent inward; these characteristics are typical for bullet entry and the raised edge of the hole toward the rear of the vehicle is a characteristic of bullet entry along a trajectory from front to back relative to the length of the vehicle (See Figure #11). The angle of trajectory for this defect is front to back with a small angle of deviation from a 90 degree (perpendicular) entry into the left side of the vehicle (large angle, but short of 90 degrees, with respect to the side of the vehicle).

Bullet defect #3 observations: This is an oblong, approximately 1&1/8 inches long, irregularly shaped hole in the driver's side exterior, quarter panel sheet metal at a point approximately 10 inches down from the quarter panel window opening directly above it, and approximately 10 inches to the rear of the vehicle from the back edge of the driver's door. Exterior sheet metal in the area of this defect has been irregularly reshaped by impact most probably from contact with a tree or trees. The edge of the hole oriented toward the front of the vehicle has a ragged raised lip extended outward from the exterior surface of the quarter panel sheet metal and a gaping hole, the length of which is oriented toward the rear of the vehicle, that has one edge burnished in a manner typical of bullet skid; the rear end (toward the back of the vehicle) of the oblong hole consists of a tab of metal bent inward away from the exterior surface; these characteristics are typical for bullet entry at a shallow angle relative to the surface of the metal, and in this case along a trajectory from back to front relative to the length of the vehicle (See Figure #12). The angle of trajectory for this defect is back to front with a large angle of deviation from a 90



degree (perpendicular) entry into the left side of the vehicle and a small angle with respect to the side of the vehicle.

Bullet defect #4 observations: This is an oblong, approximately 3/4 inch long fairly uniformly shaped hole in the driver's side exterior quarter panel at a point approximately 24 inches down from the quarter panel window opening and approximately 18 inches to the rear of the vehicle from the back edge of the driver's door. Exterior sheet metal in the area of this defect has been irregularly reshaped by impact most probably from contact with a tree or trees. The edge of the hole oriented toward the front of the vehicle has a ragged raised lip extended outward from the exterior surface of the quarter panel sheet metal; and a gaping oblong hole oriented toward the rear of the vehicle; the rear end (toward the back of the vehicle) of the oblong hole consists of a tab of metal bent inward away from the exterior surface; these characteristics are typical for bullet entry along a trajectory from back to front relative to the side of the vehicle and at a shallow angle relative to the side of the vehicle (See Figure #13). The angle of trajectory for this defect is back to front with a large angle of deviation from a 90 degree (perpendicular) entry into the left side of the vehicle and a small angle with respect to the side of the vehicle.

Broken window pane designated #5 observations: No bullet impact defect can be located.

Bullet defect #6 observations: This defect consists of broken out plastic of the interior driver's door panel at a point just below the top edge of the door panel and nearly centered between the front and rear edges of the door (See Figure #14). This position corresponds with the position of the bullet entry defect on the exterior of this door at defect #1.

Bullet defect #7 observations: This defect is a rounded hole in the exterior sheet metal of the passenger's side door and is located at the lower edge of the window opening approximately 10 inches from the back edge of the door (See Figure #15). Characteristics of this hole include protruding sheet metal around the circumference of the hole with tearing of the metal. These characteristics are typical of bullet exit.

Bullet defect #8 observations: This defect area consists of at least three points of impact and penetration in the interior door panel of the passenger's side door near its top edge and corresponding to a position in the door panel with the location of the exterior bullet exit defect at defect #7 (See Figure #16). The three impact defects range in size from approximately 1/4 inch to 1/2 inch

Bullet defect #9 observations: This defect area consists of perforation damage to the front passenger's seat belt fabric at a point where it is attached to the interior of the passenger's side metal door pillar into which the passenger's door latches when closed. Damage is also noted to an underlying buckle assembly that is part of the attachment system, plastic covering the door closure pillar and metal of the door closure pillar. Small nicks are noted in the plastic covering in this same area and in the paint of the interior passenger's door frame near the seat belt attach point (See Figure #17).

Bullet defect #10 observations: This defect area consists of two penetration holes, and other nicks in the paint, in the interior surface of the vertical section of the passenger door's window frame at the back/rear edge of the door. The defects are located approximately 10 inches above the lower window frame level and the detail in these defects that is visible indicate an entry angle of slightly back to front with respect to the length of the vehicle (See figure #18).

Additional observations: Small nicks are noted in the left facing end of the driver's seat headrest that are typical of high speed impact of small, hard particulate such as bullet fragments, other metal fragments, glass, etc. This headrest was positioned in the vehicle at the scene such that it was adjacent to the left side quarter panel side window in the extended cab space behind the driver's seat.

*Item #21, black shirt (suspect);* this item contains a previously cut, black/dark gray button front, short sleeve

“CINTAS, 3XL” shirt. The front of this shirt had been previously cut in multiple places and directions and is obviously the result of preparing Mr. Ivie for emergency medical intervention. Several areas of this shirt exhibit apparent blood staining. The front of the shirt is stained and dirty with areas of soil deposits. Two torn/cut holes are noted in the lower left back area with associated apparent blood staining. A large ragged-edged hole approximately 1 & 1/2 inches long is noted to the right upper back area between the back centerline and the right shoulder (approximately 2 & 1/2 inches to the right of shirt back centerline) with associated apparent blood staining and tissue deposits. The margin of this large ragged hole was subjected to X-ray Fluorescence Spectrophotometry (XRF) analysis and was found to contain a high level of lead indicating the passage of a fired bullet. The back of the shirt is noted to be largely stained with apparent blood.

*Item #22, green shirt (suspect)*, this item contains a previously cut, stained, long sleeve, thermal style, dark green ‘Naturalife, XXL, 100% cotton’ shirt. The shirt has been previously cut along both sleeves and its front, again for purposes of medical intervention. The front of this shirt is noted to support apparent glass shards, plant parts and soil deposits.

A large ragged hole is noted in the upper right back between the garment centerline and the right shoulder with apparent blood staining, tissue fragments, plant parts, soil particulate and glass particles present. This defect in the fabric is located in essentially the same area as a defect described in the black short sleeved shirt described in Item #21 above. XRF analysis of the margins of this defect identified the presence of elevated lead levels indicating fired bullet passage.

There is a large hole on the lower left back area with associated apparent blood staining and tissue deposits.

A grouping of at least five holes were noted concentrated on the back of the left forearm area of the shirt, just below the elbow as viewing the shirt from the back while it is being worn with the arms of the wearer extended down along each side of their body.

The upper back, right shoulder and back of the right sleeve are heavily stained with apparent clotted blood and associated staining.

*Item #23, black pants (suspect)*; this item contains a previously cut, stained, black ‘70LEWBL 42x32, 100% cotton’ pants. The pants have cuts from the bottom of the front zipper through both pant legs and bottom edges. There is light red brown staining on the front, back and inside waistband. Over all the pants have wood shavings, plant parts and soil deposits. There does not appear to be any fired bullet impact or passage damage on these pants.

*Item #27, rain pants (suspect)*; this item contains a previously cut, stained ‘Gage, XX-Large, 100% nylon’ rain style pants with a black fabric belt. The fronts of the pants are cut from the top right waistband to the bottom of the right pant seam and from the bottom of the zipper to the bottom of the left pant leg. The upper back waistband supports apparent blood staining. There does not appear to be any fired bullet impact or passage damage on these pants.

### **Reconstruction Assessment:**

Bullet impact and passage damage to Mr. Ivie’s bright blue Dodge Dakota pickup has been described in previous pages of this report and a number system has been used that was initiated by original police investigators and was not meant to serialize the sequence of shots. That number system will continue to be used in this section of this report.

It is clear that a fired bullet entered the exterior sheet metal of the pickup’s driver’s side door at defect #1 along a slight front to back angle of approximately 80 degrees (where 90 degrees is perpendicular to the left side of the vehicle); that this same bullet exited the interior of the driver’s door at defect #6; that this same bullet and its fragments impacted the interior door panel of the passenger’s door at defect #8 causing three major marks and several smaller marks; that a large part of this same fired bullet exited the exterior sheet metal of the passenger’s door at defect #7. After this bullet and its fragments exited the interior of the driver’s door panel the grouping

impacted the left sleeve and left forearm underside of Mr. Ivie as he was seated in the drivers seat causing damage to the under side of the left sleeve of his green, thermal shirt, Item #22, and causing injury to the under side of his left forearm at the elbow.

Another fired bullet entered the exterior sheet metal of the pickup's driver's side door at defect #2 and that bullet did not exit the interior surface of the driver's door. The angle of entry for this bullet was demonstrated by police investigators, by virtue of a diagrammed trajectory into the pickup, to be from front to back at an angle of approximately 70 degrees (where 90 degrees is perpendicular to the left side of the vehicle).

Another fired bullet entered the cab of the pickup and impacted the front passenger's seat belt attachment area on the right side vertical pillar, into which the right side door latches, at impact #9. At least portions of this fired bullet perforated the seatbelt fabric, continued on into and through the interior finish plastic cover of the pillar structure and damaged metal beneath the plastic. This fired bullet did not exit the vehicle and there is no exterior sheet metal damage for this bullet impact site. Police investigators show trajectory for this fired bullet by virtue of holding a probe placed into the damaged area and the trajectory defined by this method apparently enters the driver's side door window, passes through the cab in front of both front seats eventually impacting the front passenger's seatbelt structure. Photographs depict small impact defects in the plastic finish cover of the vertical pillar where the seatbelt attach point damage is located and also depict two side by side penetrating defects (bullet impact defect #10) located in the interior sheet metal of the vertical, rear door frame of the passenger's door window in an area that is adjacent to the bullet impact damage to the seatbelt. It is most probable that bullet impact defects #9 and #10 were the result of impact by a fragmented bullet which was most probably fired into the window glass of the driver's side quarter window; not a bullet fired through the driver's door window. Impact with and perforation of the quarter window glass would initiate bullet fragmentation. Small defects in the left side of the driver's seat head rest would be a result of impact by projected broken glass fragments and bullet fragmentation particulate and that type of damage is visible in a scene photograph. This fired bullet and fragments most probably assumed a trajectory that enters the left side quarter window, breaking the window, passing between the back of Mr. Ivie's head and in front of the driver's seat headrest and on into the front passenger's seat belt attach point at damage defect #9 and passenger's door window frame damage defect #10. At least some portion of the passing fired bullet and component bullet fragments most probably impacted the back of Mr. Ivie's head and his upper right back resulting in bleeding wound injuries in his hairline and his upper right back along with the embedding of bullet particulate in his upper right back flesh as verified by medical X-rays. No bullet exits were identified by police investigators for defects #9 and #10.

Another fired bullet entered the exterior sheet metal of the driver's side quarter panel (adjacent and to the rear of the driver's side door) at defect #3. Entry hole characteristics for defect 3# include a raised edge in the defect oriented toward the front of the vehicle and a depressed tab of metal (entry ramp) at the back edge of the defect oriented toward the back of the vehicle. When a fired bullet approaches sheet metal at a shallow angle it will begin to depress the sheet metal on contact and will, with the advance of travel, continue to depress the metal into a groove until the bullet either deflects (ricochets) or it perforates the metal. In the case of defect #3 the metal tab at the end toward the rear of the vehicle is what began as a groove and ended up being an entry ramp. The characteristics of bullet entry defect #3 clearly show this site to be from a bullet entering the sheet metal from back to front, relative to the length of the vehicle, and at a shallow angle, most probably less than 20 degrees from the left side of the vehicle. No bullet exit to the interior of the vehicle or any other surface was identified by police investigators.

Another fired bullet entered the exterior sheet metal of the driver's side quarter panel (adjacent and to the rear of the driver's side door) at defect #4. This defect exhibits the same compelling characteristics as #3 above and they clearly show this site to be from a bullet entering the sheet metal from back to front, relative to the length of the vehicle, and at a shallow angle, most probably less than 20 degrees from the left side of the vehicle. No bullet exit to the interior of the vehicle any other surface was identified by police investigators.

The position of firearm discharge identified above for defects #3 and #4 is an ideal position for direction of fire through the right glass panel of the three panel rear window and out the passenger's door window.

Police investigative documentation identifying bullet trajectories relating to defects #3 and #4 in the left side quarter panel sheet metal of the Dodge Dakota pickup as from front to back at a shallow angle relative to the left side of the pickup are grossly inaccurate and completely contrary to the morphology of those two defects.

The above detail accounts for five fired bullets on the scene; eight ejected cartridge cases collected from the scene were linked to Sgt. Adams' firearm leaving three fired rounds unaccounted for.

The right rear window panel was broken and no bullet trajectories come close to explaining this breakage so this damage is likely the result of an additional firearm discharge.

Information provided by a witness present during test firing of Sgt. Adams' firearm indicates that the rifle ejected fired cartridge cases to the right to a distance of approximately twelve feet from the firearm.

Two groups of eight total expended cartridge casings are depicted in photographs and on the diagram of the scene. One grouping of four casings occupies an area of approximately 8.5 feet by 2 feet on the ground and the other is a linear grouping of four casings occupying an area approximately 4 feet long. The groupings are a little over 7 feet apart at their closest boarder (See Figure #1). This distance between the two groups is much larger than the distance between adjacent casings within each group which indicates that two separate firing locations were established by the shooter. Further the group of 4 casings occupying the larger area of 8.5 by 2 feet indicates that the shooter was moving during discharge of those casings and that the group occupying the smaller area of 4 feet in length indicates that the shooter was nearly stationary in the position for the ejection of all 4 of those casings.

The position of the bullet exit in the passenger's door sheet metal at defect #7, just below the lower edge of the window glass (See Figure #15), indicates that it is most probable that the bullet passing through that defect caused the passenger's door window to fracture through bullet impact to the bottom support rail of the door's window glass located within the door sheet metal at the top edge of the door. Since a relatively small amount of window glass was found inside the passenger's door on the seat and floor, some of the broken window glass fell out on the ground at the scene to the right side of the tire tracks of the pickup. The defect at #7 is related to the defect at #1 in the driver's door so the position of broken glass on the scene from defect #7 fixes a shooting position on the scene for the discharge of the firearm into defect #1; the position for the shooter on the scene for creating defect #1 is near the left front corner of the parked police vehicle and the cartridge case ejected by that discharge was deposited in the group occupying the larger space (See Figure #19). Three other shots were most probably fired during small movements in and around the left front of the police vehicle including the shot into defect #2 (the driver's side door) and into defects #9 and #10 (the front passengers seat belt attach point on the vertical pillar and front passenger's door's rear, vertical window frame).

The four expended cartridge casings in the smaller area grouping were most probably fired from a position nearly centered in front of the parked police vehicle and a short distance from the first roving shooting position. Shots fired from this position most probably created defects #3 and #4 by two bullets entering into the driver's side quarter panel at a shallow angle relative to the side of the vehicle, from back to front while the pickup truck was in the range of 55 feet past the shooter's position (See Figure #20). Two other shots were fired from this same general position.

The other glass deposit documented on the scene is noted by photographs to be very near the left rear bumper end of the parked police vehicle and this glass deposit is most probably from either the driver's door window on the pickup or from its left side quarter panel window. The large amount of glass on the driver's floor and driver's seat indicates that most of this glass fell into the vehicle therefore little fell outside the vehicle. Glass deposited on the ground near the police vehicle was most probably from the left side quarter window.

No materials have been submitted that show bullets were being fired into the pickup from a front-on position by the shooter, in other words, no bullet impact damage; to the front end of the pickup; to the grille; to the hood; to the engine; to the windshield; to the front tires; etc. It is therefore reasonable to conclude that the shooter was not in the direct line of travel by Mr. Ivie's pickup at the time any of the apparent eight shots were fired.



Bloodstain deposit patterns noted on the interior of the extended cab seating area behind the driver's position indicate a blood flow injury had been sustained in that area and that bloody hair came into contact with surfaces near the broken quarter panel window. Since it is also known that Mr. Ivie owned a dog it is reasonable to conclude that the dog was in the back seating area, was injured by gunfire and escaped out the broken out left side quarter panel window.

**Note:**

Other materials and evidence beyond that made available to this laboratory to date obviously exist that could affect opinions expressed in this report. If those materials and/or evidence items are submitted for examination and review then this report will be reviewed, updated and amended as appropriate.

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Kay M. Sweeney,  
Forensic Scientist

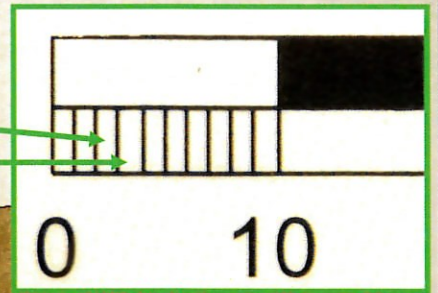
September 26, 2016

TCSO 12-00738-02  
MCSO 12-01779

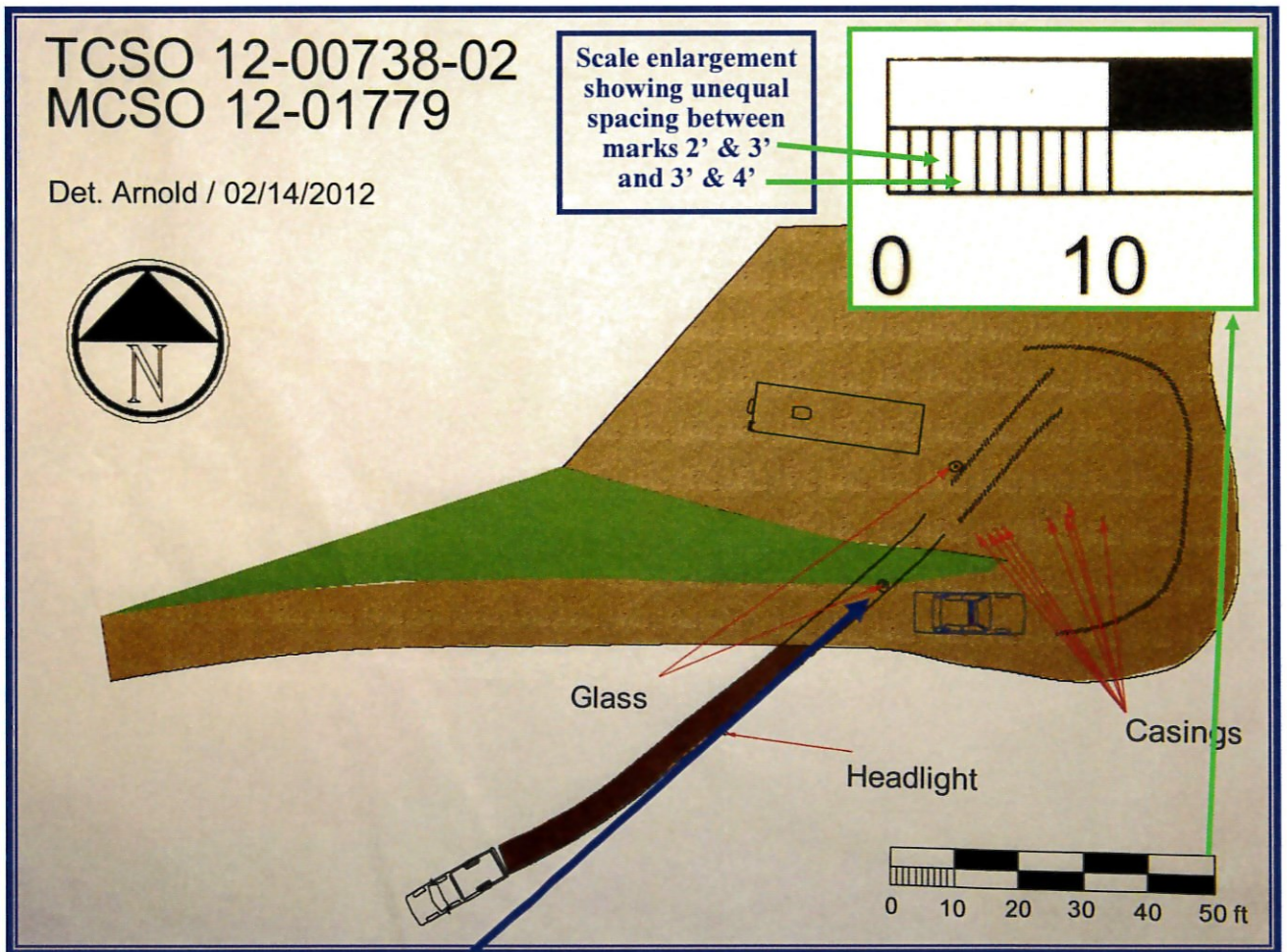
Det. Arnold / 02/14/2012



Scale enlargement  
showing unequal  
spacing between  
marks 2' & 3'  
and 3' & 4'



**Figure #1**  
Scene  
Diagram  
by Police  
Investiga-  
tors Show-  
ing Pickup  
Travel,  
Parked  
Police  
Vehicle,  
Broken  
Window  
Glass and  
Expended  
Cartridge  
Casings



**Figure #2**  
Photograph by  
Police of Glass Near  
Left Rear Bumper of  
Parked Police  
Vehicle





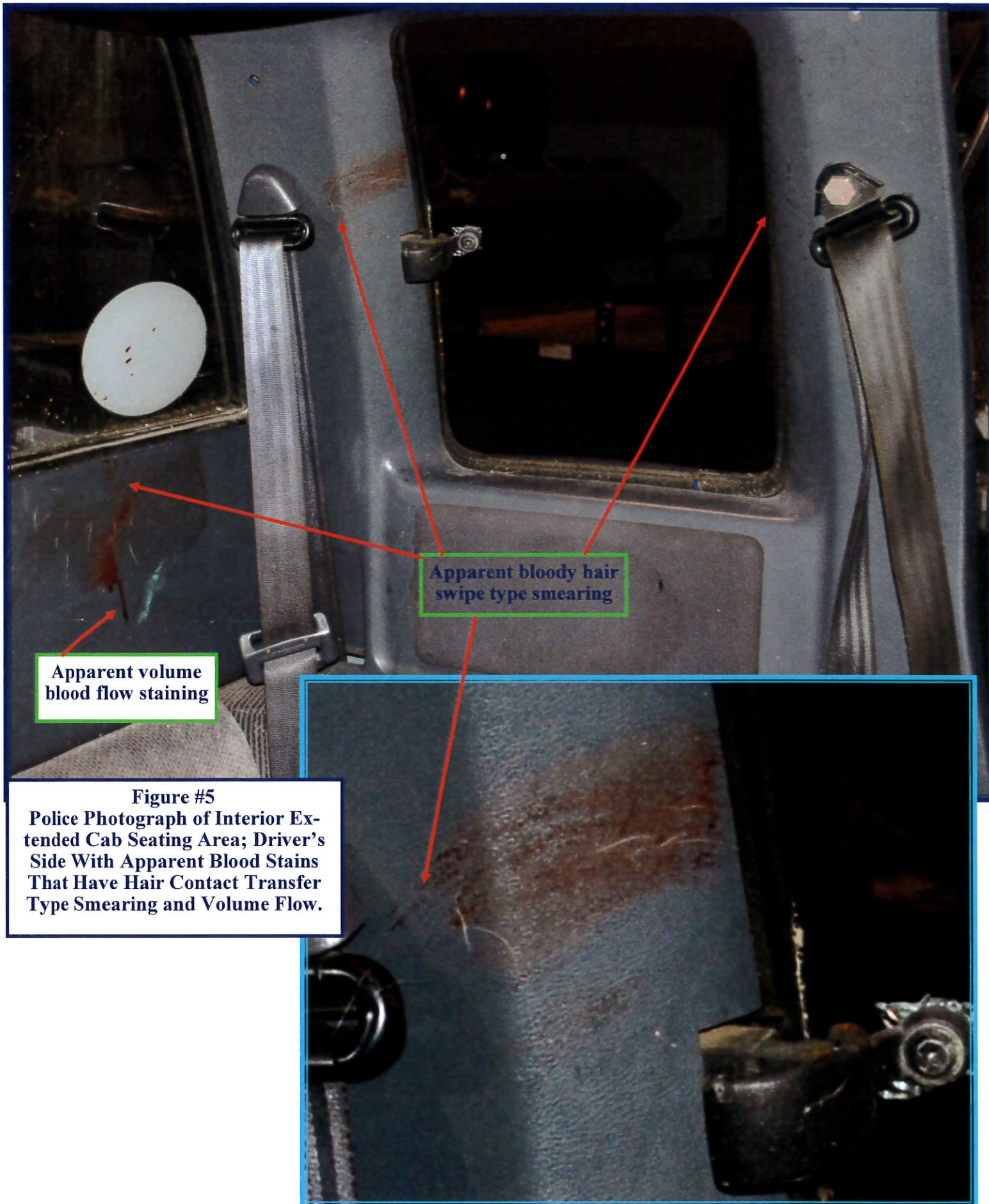
**Figure #3**  
**Police Photograph of the Injury**  
**to Mr. Ivie's Upper Right Back**



**Figure #4**  
**Police Photograph of**  
**the Injuries to Mr.**  
**Ivie's Left Forearm**  
**and Left Lower Back**

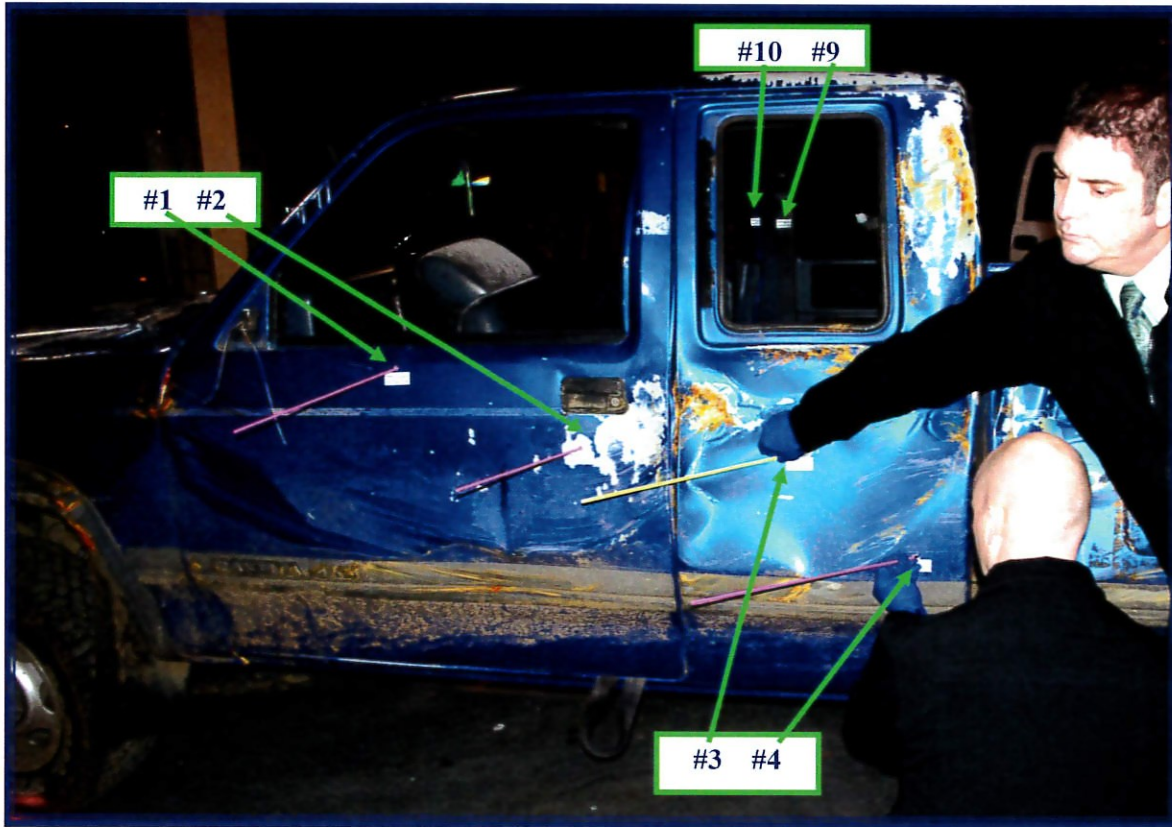






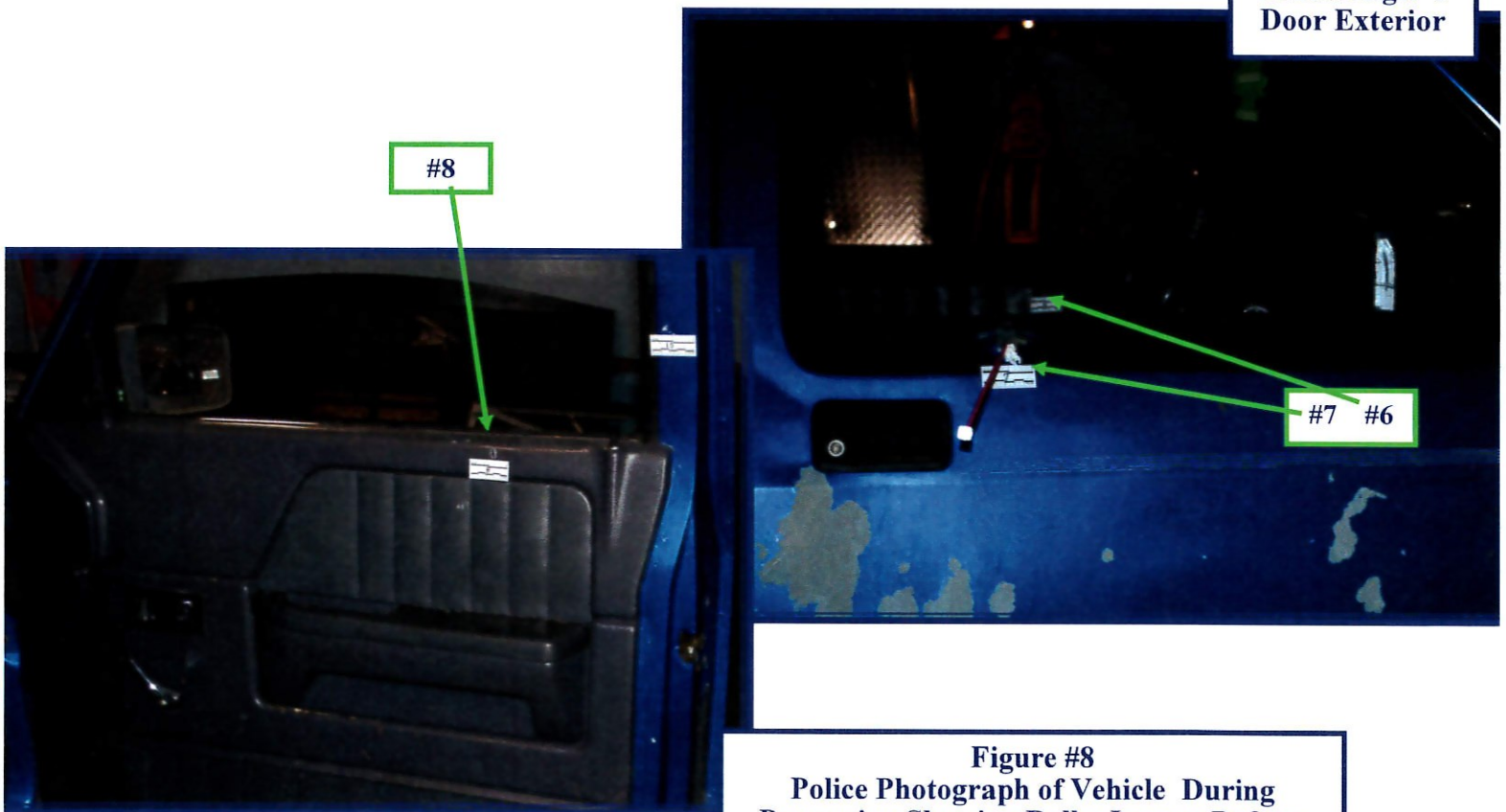
**Figure #5**  
**Police Photograph of Interior Ex-**  
**tended Cab Seating Area; Driver's**  
**Side With Apparent Blood Stains**  
**That Have Hair Contact Transfer**  
**Type Smearing and Volume Flow.**





**Figure #6**  
**Police**  
**Photograph of**  
**Vehicle During**  
**Processing**  
**Showing Bullet**  
**Impact Defects**  
**Arbitrarily**  
**Numbered**

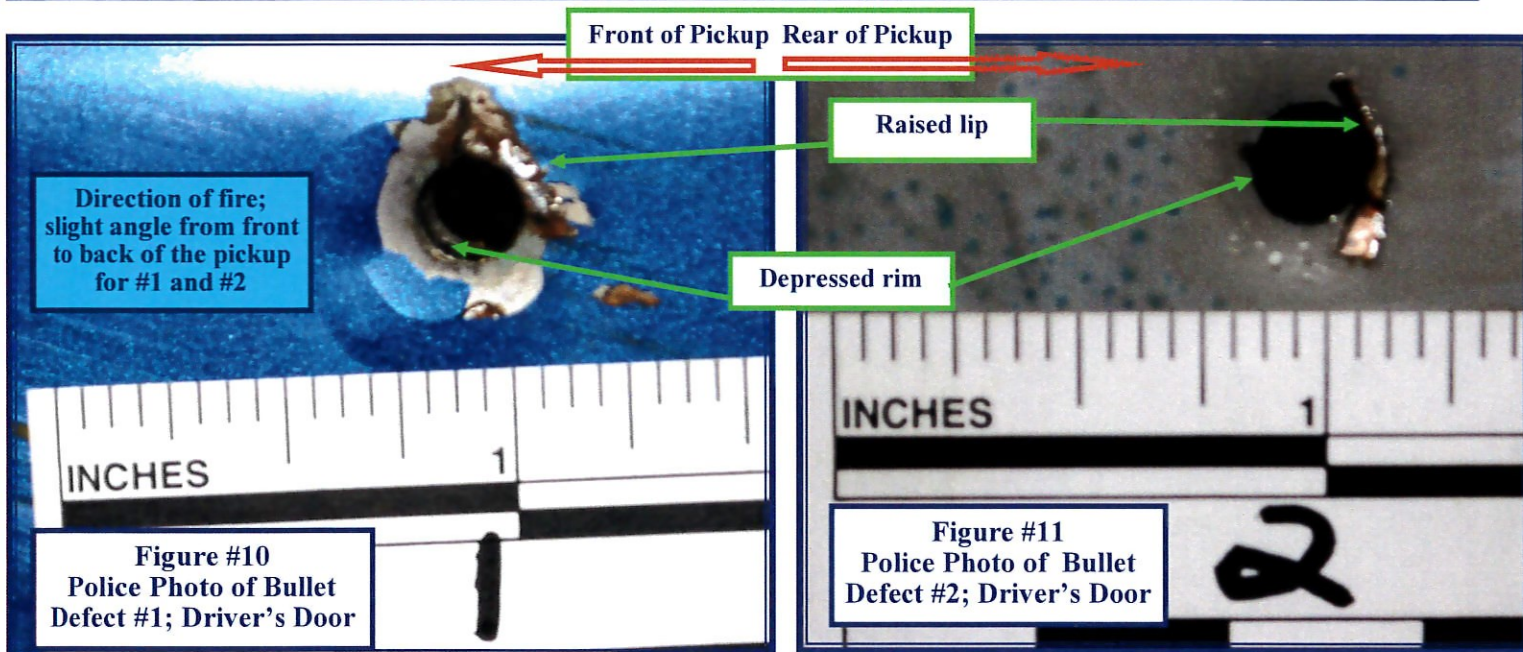
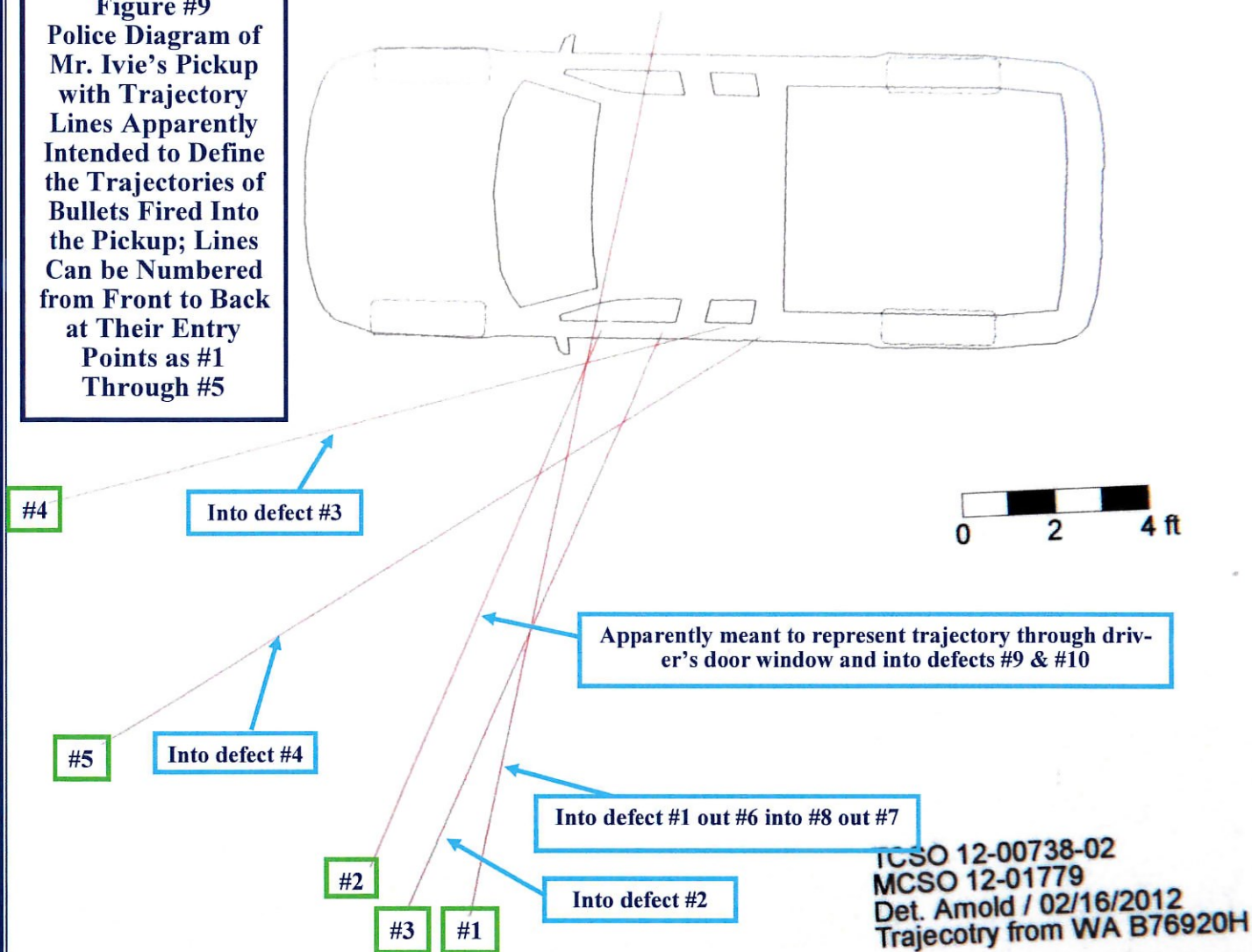
**Figure #7**  
**Police**  
**Photograph of**  
**Vehicle During**  
**Processing**  
**Showing Bullet**  
**Impact Defects**  
**Arbitrarily**  
**Numbered; View**  
**of Passenger's**  
**Door Exterior**



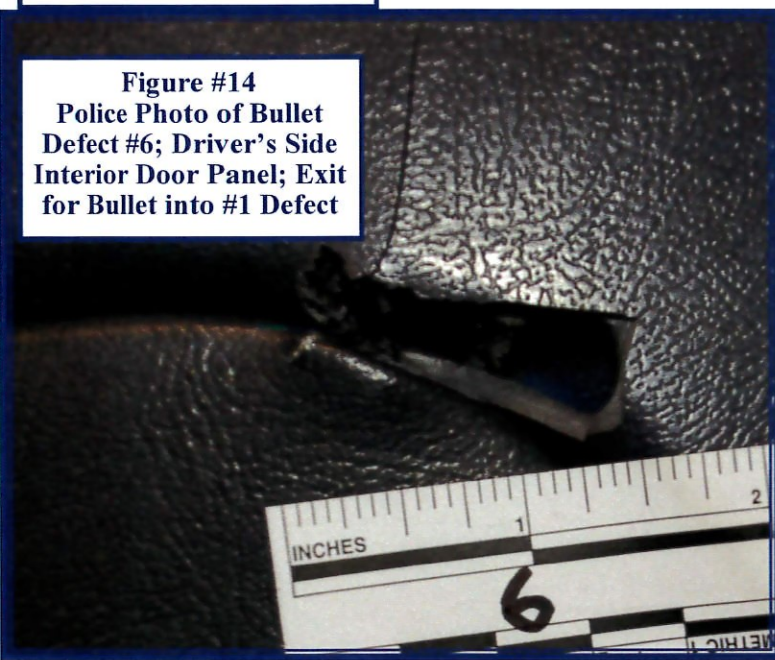
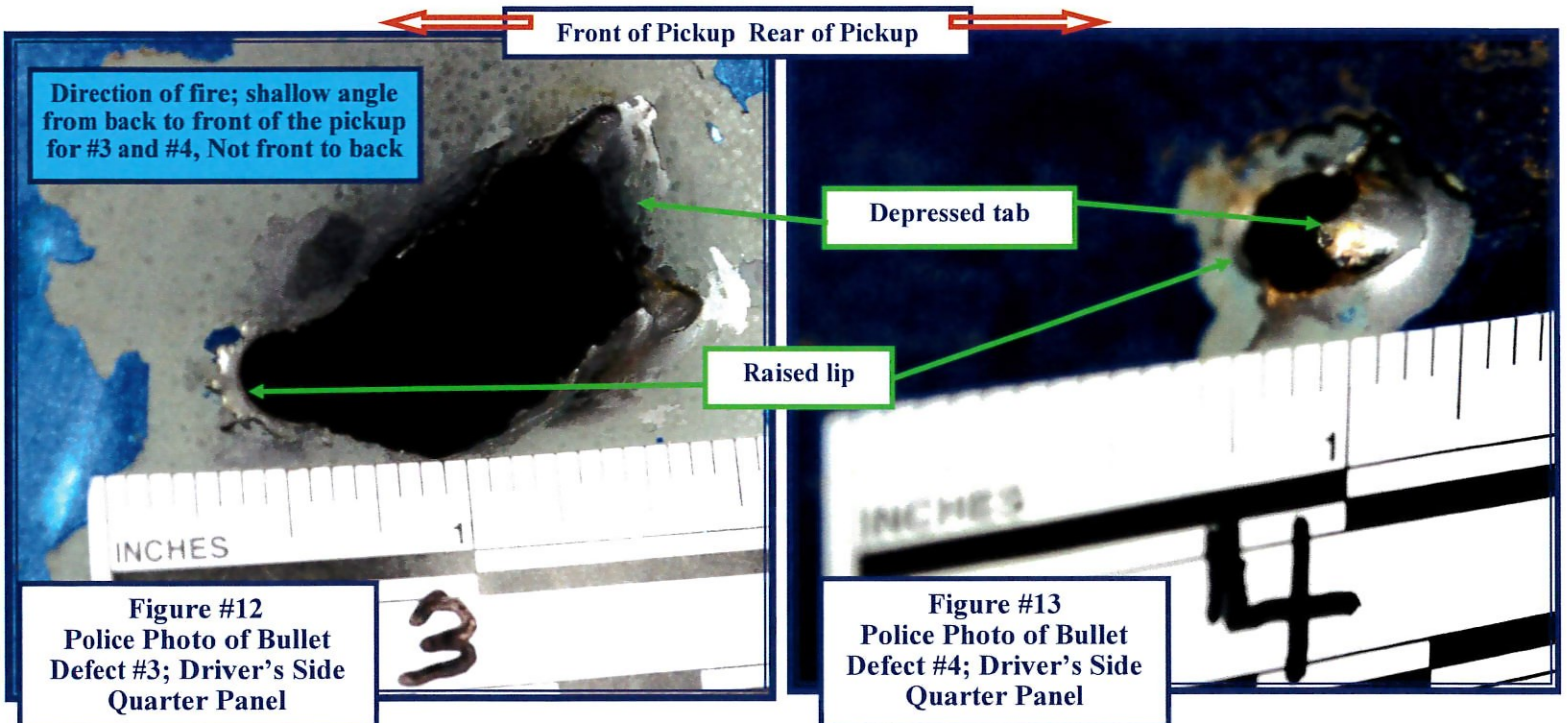
**Figure #8**  
**Police Photograph of Vehicle During**  
**Processing Showing Bullet Impact Defects**  
**Arbitrarily Numbered; View of Passenger's**  
**Door Interior**



**Figure #9**  
Police Diagram of  
Mr. Ivie's Pickup  
with Trajectory  
Lines Apparently  
Intended to Define  
the Trajectories of  
Bullets Fired Into  
the Pickup; Lines  
Can be Numbered  
from Front to Back  
at Their Entry  
Points as #1  
Through #5







**Figure #16**  
Police Photo of Bullet Defect #8; Interior of Passenger Side Door; Upper Edge of Door Panel Just Below Window; Larger Fragment of This Fired Bullet Ensemble Exited The Exterior Door Sheet Metal at Defect 7, Figure #15 Above

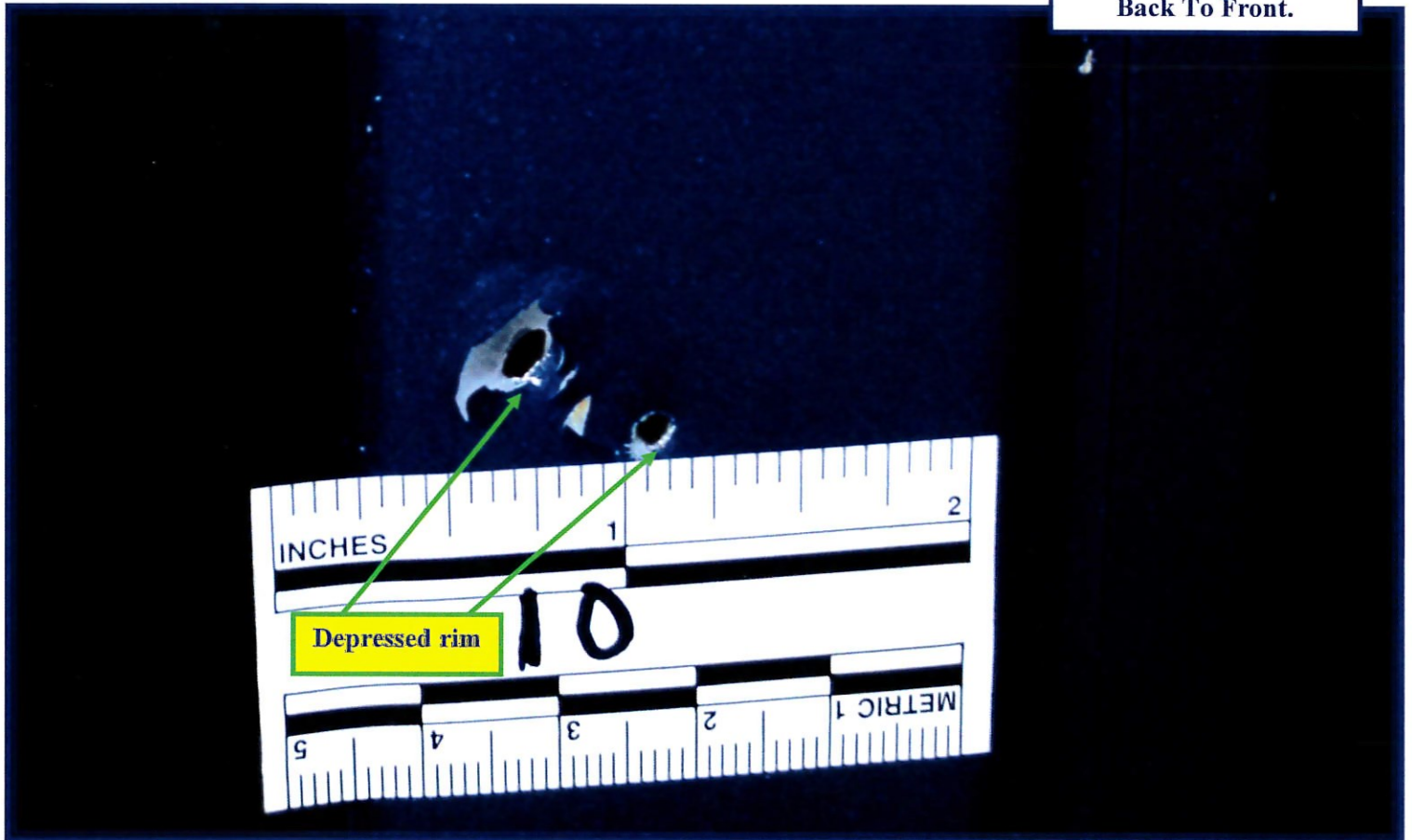




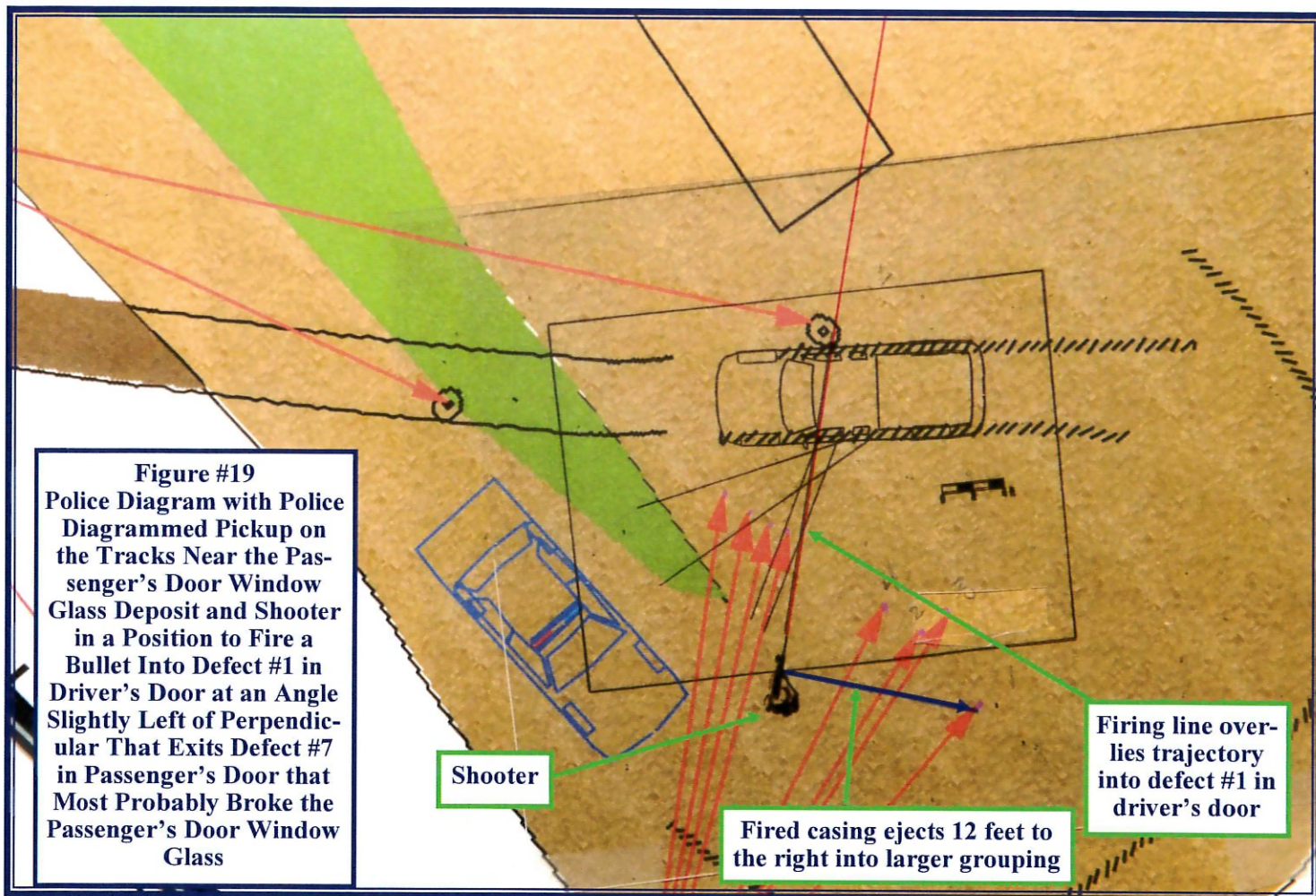


**Figure #17**  
**Police Photo of Bullet**  
**Defect #9; Front Passenger's**  
**Seatbelt Attach**  
**Point**

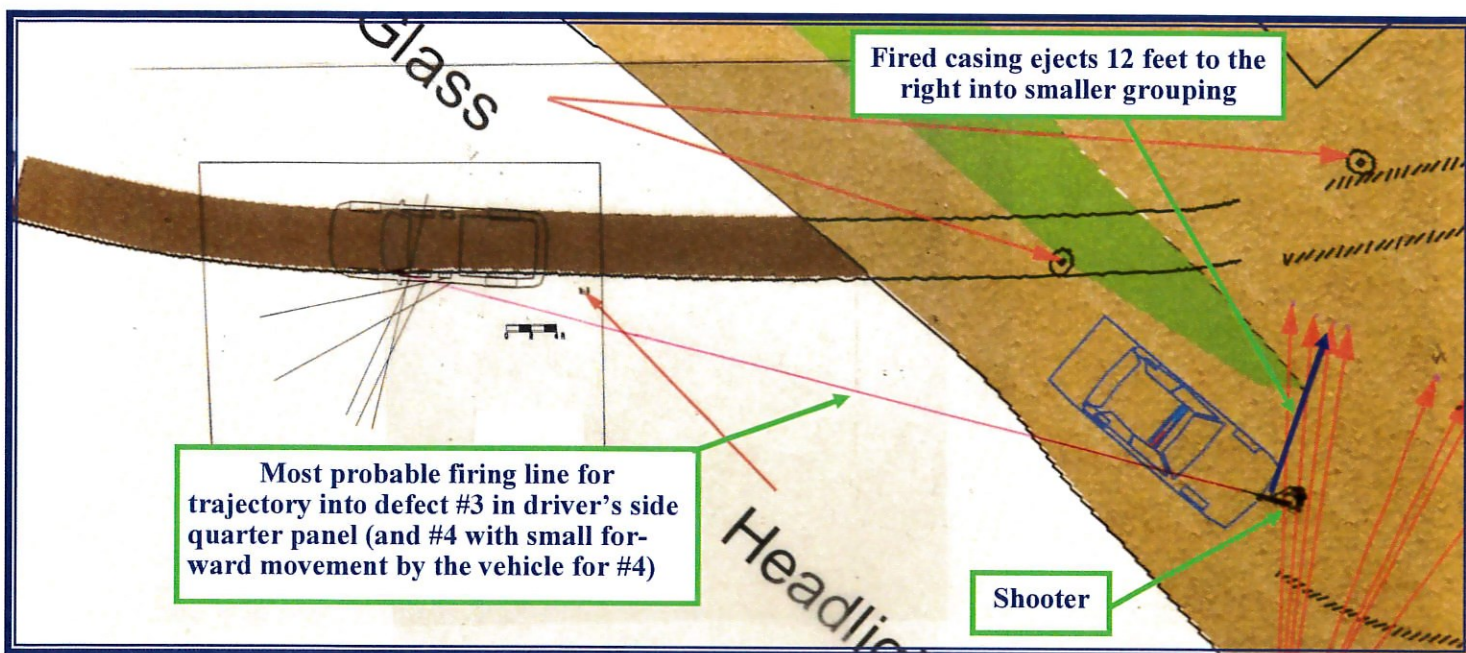
**Figure #18**  
**Police Photo of Bullet**  
**Defect #10; Interior of**  
**Vertical Window Frame**  
**of Passenger's Door at**  
**Rear Edge of Door That**  
**is Adjacent to the Door**  
**Edge in Figure #17**  
**When This Door is**  
**Closed; The Entry**  
**Characteristics Visible**  
**Indicate an Entry**  
**Trajectory of From**  
**Back To Front.**







**Figure #20**  
Police Diagram with Police Diagrammed Pickup on the Tracks Well Past the Parked Police Vehicle and Shooter in a Position to Fire a Bullet Into Defects #3 and #4 in the Driver's Side Quarter Panel and Eject Casings into the Smaller Grouping Position



## CURRICULUM VITAE

**Kay M. Sweeney**

### **PROFESSIONAL EXPERIENCE**

Principal Forensic Scientist for **KMS FORENSICS INC.**, an independent Forensic Laboratory and Consulting enterprise - January 1995 to present, located at:

KMS FORENSICS INC  
PO Box 2458  
Kirkland, Washington 98083  
425-814-3244

Vice President, co-founder and member of the faculty of the **Pacific Coast Forensic Science Institute**: September 1998 to present. Ongoing board duties include developing and directing Institute goals and objectives as well as managing and monitoring content and quality of classes, courses and research projects.

**Instructor of Forensic Science**, Shoreline Community College - 1996 to 2000

**Washington State Patrol, Crime Laboratory Division (WSP/CLD) Headquarters** state-wide Program Manager for the WSP Crime Scene Response Team (CSRT), CLD Quality Assurance, and CLD Training - May 1992 to December 1994

CSRT duties included the design of the CSRT program, development of training for team members, writing of WSP Regulation Manual chapter defining CSRT role and operation, writing WSP Training Bulletins detailing CSRT function, writing announcements for distribution to law enforcement agencies relative to services available from the CSRT and protocols for call-out, and coordinating all activities of the CSRT including receiving all calls via pager, dispatching customized teams for response to scene assistance requests, and responding in person to scenes.

Quality Assurance duties included establishing a Crime Laboratory System Standard Operating Procedures Manual, Technical Procedures Manuals for all Technical Sections of the Crime Laboratory System, Quality Assurance Manuals for all Technical Sections of the Crime Laboratory, designing, writing, publishing and implementing a Quality Assurance Inspection checklist for the DNA section to meet national standards set by the Technical Working Group on DNA Analysis Methods (TWGDAM), and developing, implementing and directing the re-accreditation plan for a WSP Crime Laboratory which had failed two ASCLD accreditation inspections.

**Crime Laboratory Manager, WSP/CLD, Seattle** - February 1985 to May 1992

Technical responsibilities included; selecting personnel and coordinating the development of a DNA section in the WSP/CLD capable of state-wide service in casework and implementation of a "convicted felon" program where blood samples from convicted felons are subjected to DNA analysis using



**Kay M. Sweeney**  
Curriculum Vitae

restriction fragment length polymorphism (RFLP) methods with the results stored in a database for comparison to DNA evidence samples from unknown sources submitted in criminal investigations, oversight of all scientific laboratory sections, conducting occasional firearm and toolmark casework, responding to crime scenes upon calls for assistance, and crime scene reconstruction including blood spatter interpretation.

**Chief Criminalist, WSP/CLD, Seattle** - July 1975 to February 1985

Technical responsibilities included; development of a comprehensive training plan and protocol for criminalists, technical section oversight, case management, occasional firearm and toolmark casework, crime scene assistance response, and crime scene reconstruction including blood spatter interpretation.

**Crime Laboratory Director, King County Sheriff's Office** - November 1971 to July 1975

Technical responsibilities included; all firearms and toolmark casework, all microanalysis casework, all serological casework, criminalist training, crime scene response to all major crimes, crime scene reconstruction including blood spatter interpretation.

**Supervising Criminalist, Seattle Police Department Crime Laboratory** - June 1968 to November 1971

Technical responsibilities included; firearms and toolmark casework, microanalysis casework, serological casework, non-drug chemical analysis casework, crime scene response, and crime scene reconstruction including blood spatter interpretation.

**Assistant Criminalist, Seattle Police Department Crime Laboratory** - October 1966 to June 1968.

Technical responsibilities included; firearms and toolmark casework, microanalysis casework, serological casework, non-drug chemical analysis casework, drug analysis, crime scene response, and crime scene reconstruction including blood spatter interpretation.

Chemist, Pacific Resins and Chemicals - October 1965 to October 1966

Police Officer, Kirkland Police Department - January 1961 to October 1964

**EDUCATION**

Bachelor of Science in chemistry, Seattle University - 1965

Graduate level "Mathematics Problems", University of Washington

**TEACHING POSITIONS**

Designed and implemented a five credit hour course in Forensic Science offered at Shoreline Community College - 1996 to 2000

Washington State Criminal Justice Training Center; regular instructor for routinely scheduled courses for law enforcement personnel in: Crime Scene Investigation, Advanced Crime Scene Investigation, Homicide Investigation and Advanced Homicide Investigation - 1980 to 1994

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Co-instructor, along with Mary Gibbons, Md., in presenting the protocols to Standardize the Emergency Room Examination of Victims of Sexual Assault; ten sessions throughout the State of Washington for law enforcement personnel and medical practitioners - June 1993

Alaska State Trial Attorneys Association; Guest instructor on Physical Evidence and Forensic Science topics, 7 hours - October 1992

King County Prosecuting Attorneys office; Basic forensic science training for “new” prosecutors, twice yearly - 1980 to 1992

Washington/Oregon Homicide Detectives Seminar; Blood Spatter Interpretation - May 1991

Washington State Prosecuting Attorneys Association; Forensic science lecture every other year - 1983 to 1991

Highline Community College; Advanced Crime Scene Investigation, 40 hour course, 22 sessions from 1976 through 1980

University of Washington Law School Seminar; Expert Witness on Rape Evidence - 1974

Shoreline Community College; Crime Scene Investigation, 3 credit hour night school course - 1972 through 1976

Bellevue Community College; Crime Scene Investigation, 3 credit hour night school course - 1968 through 1971

**CONSULTING APPOINTMENTS**

Invited to serve on the advisory board for the University of Washington’s **Certificate in Forensics** program – December 2003 to present.

Member: Advisory Commission for the Standardization of Emergency Room Protocols for Victims of Sexual Assault - 1992 through 1993

Member: Shoreline Community College Curriculum Advisory Committee - 1985 to 1992

Member: National Forensic Laboratory Information Systems Technical Board; One of six forensic laboratory directors in the United States assisting in the development of a nation-wide computerized forensic laboratory information system - 1990

Member: King County DNA Implementation Committee established to implement recommendations of the DNA Technical Advisory Committee - 1988 to 1989

Member: Representing forensic laboratory interests on the King County DNA Technical Advisory Committee established to recommend analytical techniques and necessary protocols in a program which requires certain convicted felons to submit their blood for DNA analysis - 1988



## **RESEARCH PROJECTS**

Co-investigator, National Institute of Justice (NIJ) grant for DNA Identification Protocol in Forensic Science, administered by the University of Washington from October 1987 through October 1989

Coordinator and authorizing supervisor, of a research grant to establish arson accelerant analysis and identification protocols for the WSP Crime Laboratory system - 1976 to 1978

## **PROFESSIONAL ASSOCIATIONS**

Member American College of Forensic Examiners International – January 2005

Life Member (for distinguished service) of the Northwest Association of Forensic Scientists (NWAFS) - October 1995

Certified as an American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD/LAB) accreditation inspector - February 1995

Certified Diplomate in Criminalistics by the American Board of Criminalistics - January 1994

Holder of the ASCLD/LAB Certificate of Accreditation, accrediting the Washington State Patrol Seattle Crime Laboratory in: Controlled Substances, Serology, Trace Evidence, Firearms/toolmarks - 1983 through 1988 and 1989 through 1994.

Original founding member, signing the articles of incorporation which identified purpose and standards, of the American Board of Criminalistics (ABC) establishing a national program to certify criminalists - 1989

Past member of ASCLD - 1987 to 1992

Selected as one of nine criminalists from the United States and Canada to serve on the Criminalistics Certification Study Committee - 1978 and 1979

Fellow, American Academy of Forensic Sciences (AAFS)

President, NWAFS - 1977

Charter, and founding, member of NWAFS – 1972

## PROFESSIONAL PRESENTATIONS

**Gunpowder Particle and Vaporous Lead Deposit Patterns on Fabric from Hand Gun Discharges III**, Criminalistics Section scientific session, American Academy of Forensic Sciences meeting, Chicago Il, February 25, 2011.

**Evidence to Consider When Evaluating Bullet Defects in Clothing for Characteristics of Entrance Versus Exit in Instances Where Distance Precludes Gunpowder Deposition**, Criminalistics Section scientific session, American Academy of Forensic Sciences meeting, Denver, Colorado, February 22, 2009.

Invited feature lecturer on **Homicide Crime Scene Investigation and Reconstruction** at the University of Washington's certificated Forensics class coordinated by Michael Schwartz, Attorney at Law – November 24, 2008.

**Gunpowder Particle and Vaporous Lead Deposit Patterns on Fabric from Hand Gun Discharges II**, Criminalistics Section scientific session, American Academy of Forensic Sciences meeting, Washington DC, February 23, 2008.

Primary instructor in a one day seminar on **Crime Scene Reconstruction based on Physical Evidence – Blood Spatter, Firearms and Trace Evidence**; designed for attorneys and investigators, certified in Washington for 5.0 hours of CLE credits and offered by Pacific Coast Forensic Science Institute, Inc. February 8, 2008.

Invited feature lecturer on **Homicide Crime Scene Investigation and Reconstruction** at the University of Washington's certificated Forensics class coordinated by Michael Schwartz, Attorney at Law – December 10, 2007.

**Forensic Science in Homicide Investigations**, Washington Association of Legal Investigators, 2007 Annual Conference, Issaquah, Washington, October 20, 2007.

**Maximizing the Potential of Physical Evidence; Including Dynamic Incident Reconstruction**, Washington State Bar Association Continuing Legal Education program, Seattle, Washington, May 18, 2007.

**Gunpowder Particle and Vaporous Lead Deposit Patterns on Fabric from Hand Gun Discharges**, Criminalistics Section scientific session, American Academy of Forensic Sciences meeting, San Antonio, Texas, February 24, 2007.

Invited feature lecturer on **Homicide Crime Scene Investigation and Reconstruction** at the University of Washington's certificated Forensics class coordinated by Michael Schwartz, Attorney at Law – November 6, 2006.

**Gunpowder Stipple Patterns of Commonly Encountered Small Firearms**, Criminalistics Section scientific session, American Academy of Forensic Sciences meeting, Seattle, Washington February 24, 2006.

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Curriculum Vitae

Faculty lecturer on **Crime Scene Reconstruction for Winning: Hot Topics in Criminal Law**, a seminar designed for attorneys and certified in Washington for 6.25 CLE credits and offered by The Seminar Group in Seattle, May 24, 2005.

Invited feature lecturer on **Homicide Crime Scene Investigation and Reconstruction** at the University of Washington's certificated Forensics class coordinated by Michael Schwartz, Attorney at Law – November 8, 2004.

Primary instructor in a one day seminar on **Crime Scene Reconstruction based on Physical Evidence**, designed for attorneys, certified in Washington for 5.75 hours of CLE credits and offered by Pacific Coast Forensic Science Institute, Inc. May 7, 2004.

Invited lecturer on **Criminalistics-Scientific Evaluation of Physical Evidence and Crime Scene Reconstruction** for the 2004 Washington Defender Association Conference co-sponsored by the Washington State Criminal Justice Training Commission, April 23-24, 2004.

**The Interpretation of Gunpowder Particle Deposition and Impact Characteristics**, Criminalistics Section scientific session, American Academy of Forensic Sciences meeting, Dallas, Texas, February 20, 2004.

Invited feature lecturer on **Homicide Crime Scene Investigation and Reconstruction** at the University of Washington's certificated Forensics class coordinated by Michael Schwartz, Attorney at Law – October 27, 2003.

Primary instructor in a 32 hour course on **Crime Scene Evidence - Basic Principles of Scientific Collection and Preservation** offered by Pacific Coast Forensic Science Institute, Inc. and attended by employees of Public Defender agencies having responsibilities involving criminal evidence issues offered at the Washington State Criminal Justice Commission's Training Facility in Seattle, WA, September 22 – 26, 2003.

**Ear Print Evidence; State of Washington v. Kunze**, Criminalistics Section scientific session, American Academy of Forensic Sciences meeting, Chicago, Illinois, February 21, 2003.

Invited feature lecturer on **Homicide Crime Scene Investigation and Forensics** at the University of Washington's certificated Professional Investigator's class coordinated by Larry Freeman – January 28, 2003.

Primary instructor in a 32 hour course on **Crime Scene Evidence - Basic Principles of Scientific Collection and Preservation** offered by Pacific Coast Forensic Science Institute, Inc. and attended by employees of law enforcement agencies assigned to evidence related duties - Kent Police Department Training Facility, November 26 - 30, 2001.

Primary instructor in a 32 hour course on **Crime Scene Evidence - Basic Principles of Scientific Collection and Preservation** offered by Pacific Coast Forensic Science Institute, Inc. and attended by employees of law enforcement agencies assigned to evidence related duties - Bellevue Police Department Training Facility, April 16 – 20, 2001.

**Kay M. Sweeney**  
Curriculum Vitae

Invited feature lecturer on **Homicide Crime Scene Investigation and Reconstruction** at the University of Washington's certificated Forensics class coordinated by William D. Haglund, PhD, Forensic Anthropologist- April, 2001.

**Structuring Complex Scientific Expert Testimony to Allow for Jury Comprehension**, Criminalistics Section scientific session, American Academy of Forensic Sciences meeting, Seattle, February 24, 2001.

Invited feature lecturer on **Homicide Crime Scene Investigation and Reconstruction** at the University of Washington's certificated Forensics class coordinated by Donald T. Reay, MD, King County Medical Examiner - April 2000.

Primary instructor in a 32 hour course on **Crime Scene Evidence - Basic Principles of Scientific Collection and Preservation** offered by Pacific Coast Forensic Science Institute, Inc. and attended by employees of law enforcement agencies assigned to evidence related duties - Kent Police Department Training Facility, January 31 through February 4, 2000.

**Criminalistics and Crime Reconstruction**, Continuing Legal Education session of Inns of Court (a professional legal association of judges and attorneys in Oregon) - Eugene Oregon, March 1999

**Crime Scene Reconstruction**, Washington Association of Criminal Defense Lawyers Continuing Legal Education Seminar - Seattle, February 1999

**Bullet Trajectory Identification and Documentation - From Scene to Courtroom**, NWAFS meeting, scientific session - October 1998

**Practical Low-Power Photomicrography**, NWAFS meeting, scientific session - April 1997

Inaugural Washington Criminal Justice Institute sponsored by the Washington State Bar Association.  
**"Crime Laboratory Developments - Relationship of Actual Crime Laboratory Services to Evidence at the Scene of the Crime, Resulting Scientific Conclusions, and Courtroom Impact"** - September 1994

**Computer Aided Crime Laboratory Management**, NWAFS meeting - October 1985

**Comparison Principles and Practices**, International Association of Identification (IAI) - Fall 1981

**Criminalistic Comparisons**, IAI - Fall 1972

**Fracture Separation Examination**, NWAFS meeting - May 1972

#### **CONTINUING EDUCATION**

American College of Forensic Examiners Institute, Certified Medical Investigator Training Course (20 hours) - Atlanta, Georgia; January, 2005.

**Kay M. Sweeney**  
Curriculum Vitae

Innov-X Systems Radiation Safety and Operator Training for Field Portable X-Ray Fluorescence Spectrum Analyzers – May 25, 2004.

American Society of Crime Laboratory Directors, Laboratory Accreditation Board (ASCLD/LAB) Inspection Team Training - February 1995

FBI Forensic Science Training Program, Laboratory Quality Assurance, FBI Academy, Quantico, Virginia, 24 hours - May 1993

Northwestern Quality Symposium, University of Idaho, 16 hours - October 1992

Bloodstain Pattern Interpretation, 16 hours - Kent Washington, 1992

Mid-management Development Seminar, Louis Gellerman, 40 hours - August 1985

Forensic Microscopy Workshop, Walter C. McCrone, McCrone Research Institute, Chicago, Illinois, 40 hours - November 1978

Crime Laboratory Management, FBI Academy - 1975

Modern Techniques for Characterizing Dried Bloodstains, Brian Culliford, Home Office, Scotland Yard - 1974

Thin Layer Chromatography, James W. Bobbit, American Chemical Society (ACS) short course - February 1968

Molecular Spectroscopy (relating to IR, MS, UV, & NMR) Silverstein and Bassler, ACS short course - October 1967

## **Appendix A**

During my more than 40 years of experience I have studied the dynamics of injury, the characteristics of various wounds and associated bleeding, and the relationship between resultant deceased body position and the involved injury dynamics and the relationship between wounds and suspected and potential weapons. My studies have occurred, in many instances, while consulting during actual case investigations with a number of forensic pathologists including; Dr. Gale Wilson (King County, WA), Dr. Charles Larson (Pierce County, WA), Dr. Donald Reay (King County, WA), Dr. Corrine Fligner (King County, WA), Dr. William Brady (Multnomah County, OR), and others.

I have received on-the-job training, attended training sessions, read textbooks and scientific journal literature and attended and participated in scientific sessions relating to this field. While performing my duties in criminalistics and conducting primary research into the Characteristics of Small Arms Penetration and Ricochet Characteristics I have specifically studied textbooks including the following;

Bloodstain Pattern Analysis by Tom Bevel and Ross Gardner,

Interpretation of Bloodstain Evidence at Crime Scenes by Stuart H. James and William Eckert,

Medicolegal Investigation of Death edited by William Eckert,  
Spitz and Fisher's Medicolegal Investigation of Death edited by Werner Spitz,

Gunshot wounds by Vincent J. M. DiMaio,

Wound Ballistics and the Scientific Background by Karl G. Sellier and Beat P. Kneubuehl,

Neurotrauma edited by Raj K. Narayan, M.D., Jack E. Wilberger, Jr., M.D., and John T. Povlishock, Ph.D.

An Atlas of Forensic Pathology by Wetli, Mittleman, and Rao,  
and others.

I have also specifically studied the following published articles, among others;

B. G. Stephens and T. B. Allen

Back Spatter of Blood from Gunshot Wounds - Observations and Experimental Simulation  
Journal of Forensic Sciences, Vo. 28, No. 2, April 1983, pp.437-439.

J. Wilson

Wound Ballistics (Trauma Rounds)  
West J. Med 127:49-54, Jul 1977

B. Karger, R. Nüsse, H. D. Troger, B. Brinkmann

Backspatter from experimental close-range shots to the head. I. Macrospatter  
Int J Legal Med (1996) 109:66-74

B. Karger, R. Nüsse, H. D. Troger, B. Brinkmann

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Backspatter from experimental close-range shots to the head. II. Microspatter  
Int J Legal Med (1997) 110:27-30

M. L. Fackler  
Tissue Disruption Pattern used to Determine the Direction of Fire in an Unusual Bullet Wound  
AFTE Journal Vol 27;No3, July 1995

Oehmichen M, Meissner C, Konig HG  
Brain Injury after gunshot wounding; morphometric analysis of cell destruction caused by temporary cavitation  
J Neurotrauma 2000 Feb; 17 (2):155-62

Pex JO, Vaughn CH  
Observations of high velocity bloodspatter on adjacent objects.  
J Forensic Sci 1987 Nov; 32(6): 1587-94

Krger B, Nusse R, Bajanowski T  
Backspatter on the firearm and hand in experimental close-range gunshots to the head  
Am J Forensic Med Pathol 2002 Sep;23(3):211-3

ML Fackler  
Gunshot Wound Review  
Annals of Emergency Medicine 28:2 August 1996

Burnett BR  
Detection of bone and bone-plus-bullet particles in backspatter from close-range shots to the head  
J Forensic Sci 1991 Nov;36(6):1745-52

Karger B, Puskas Z, Ruwald B, Teige K, Schuirer G  
Morphological findings in the brain after experimental gunshots using radiology, pathology and histology  
Int J Legal Med 1998;111(6):314-9

Betz P, Stiefel D, Husmann R, Eisenmenger W  
Fractures at the base of the skull in gunshots to the head  
Forensic Sci Int 1997 May 5;86(3):155-61

Kury G, Weiner J, Duval JV  
Multiple self-inflicted gunshot wounds to the head: report of a case and review of the literature  
Am J Forensic Med Pathol 2000 Mar;21(1):32-5

Kong HG, Schmidt V  
Observations of the propagation velocity and formation mechanism of burst fractures caused by gunshot  
Beitr Gerichtl Med 1989;47:247-55

Thali MJ, Kneubuehl BP, Zollinger U, Dirnhofer R  
The "skin-skull-brain model": a new instrument for the study of gunshot effects  
Forensic Sci Int 2002 Feb 18;125(2-3):178-89

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Thali MJ, Kneubuehl BP, Vock P, Allmen GV, Dirnhofer R  
High-speed documented experimental gunshot to a skull-brain model and radiologic virtual autopsy  
Am J Forensic Med Pathol 2002 Sep;23(3):223-8

Nusholtz GS, Wylie EB, Glascoe LG  
Internal cavitation in simple head impact model  
J Neurotrauma 1995 Aug; 12(4):707-14

Abdolvahabi RM, Dutcher SA, Wellwood JM, Michael DB  
Cranio-cerebral missile injuries  
Neurol Res 2001 Mar-Apr;23(2-3):210-8

Ristenbatt RR 3rd, Shaler RC  
A bloodstain pattern interpretation in a homicide case involving an apparent "stomping"  
J Forensic Sci 1995 Jan;40(1):139-45

Tankisi A, Rolighed Larsen J, Rasmussen M, Dahl B, Cold GE  
The effects of 10 degrees reverse trendelenburg position on ICP and CPP in prone positioned patients subjected to craniotomy for occipital or cerebellar tumors  
Acta Neurochir 2002 Jul;144(7):665-70

Celens E, Pirlot M, Chabotier A  
Terminal effects of bullets based on firing results in gelatin medium and on numerical modeling  
J Trauma 1996 Mar;40(3 suppl):S27-30

Tan Y, Zhou S, Jian H  
Biomechanical changes in the head associated with penetrating injuries of the maxilla and mandible: an experimental investigation  
J Oral Maxillofac Surg 2002 May;60(5):552-6

Peters CE, Seaborn CL  
Wound ballistics of unstable projectiles. Part II: Temporary cavity formation and tissue damage  
J Trauma 1996 Mar;40(3 Suppl):S16-21

Fackler ML, Bellamy RF, Malinowski JA  
The wound profile: illustration of the missile-tissue interaction  
J Trauma 1998 Jan;29(1 Suppl):S21-9

Fackler ML  
Ballistic injury  
Ann Emerg Med 1986 Dec;15(12):1452-5

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Crit Rev Biomed Eng 1997;25(6):485-501



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Yoganandan N, Pintar FA, Jumaesan S, Maiman DJ, Hargarten SW  
Dynamic analysis of penetrating trauma  
J Trauma 1997 Feb;42(2):66-72

Pintar FA, Kumaresan S, Yoganandan N, Yang A, Stemper B, Gennarelli A  
Biomechanical modeling of penetrating traumatic head injuries:finite element approach  
Biomed Sci Instrum 2001;37:429-34

Kleiber M, Stiller D, Wiegand P  
Assessment of shooting distance on the basis of bloodstain analysis and histological examinations  
Forensic Sci Int 2002 Jun 15;19(2):260-2

Carey ME, Sarna GS, Farrell JB, Happel LT  
Experimental missile wound to the Brain  
J Neurosurg 1989 Nov;71(5 Pt 1):754-64

Schneider GH, Bardt T, Lanksch WR, Unterberg A  
Decompressive craniectomy following traumatic brain injury: ICP, CPP and neurological outcome  
Acta Neurochir Suppl 2002;81:77-9

Thali MJ, Kneubuehl BP, Zollinger U, Dirnhofer R  
A study of the morphology of gunshot entrance wounds, in connection with their dynamic creation, utilizing the "skin-skull-brain model"  
Forensic Sci Int 2002 Feb 18;125(2-3):190-4

Madsen FF, Reske-Nielsen E  
A simple mechanical model using a piston to produce localized cerebral contusions in pigs  
Acta Neurochir (Wien)1987; 88:65-72

Dixon CE, Ph.D., Lyeth BG, Ph.D., Povlishock JT, Ph.D., Findling RK., Hamm RJ, Ph.D., Marmarou A, Ph.D., Yound HF, M.D., Hayes RL, Ph.D.  
A fluid percussion model of experimental brain injury in the rat  
J Neurosurg Jul 1987;67:110-119

Ming L, Yu-Yuan M, Rong-Xiang F, Tian-Shum F  
The characteristics of the pressure waves generated in the soft target by impact and its contribution to indirect bone fractures  
J Trauma 1988 Jan;28(1-Suppl):S104-9

Nilsson B, M.D., Ponten U, M.D., Voigt G, M.D.  
Experimental head injury in the rat: Part 1: Mechanics, pathophysiology, and morphology in an impact acceleration trauma model  
J Neurosurg Aug 1977;47:241-51

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Crockard HA

Early intracranial pressure studies in gunshot wounds of the brain  
J Trauma 1975 April;15(4):339-47

And others.

I have visited and processed crime scenes, attended and consulted at autopsies, examined analyzed and interpreted evidence, and consulted with pathologists, investigators, and attorneys in more than 750 death investigations. Based on that work, I have developed conclusions regarding the events relating to these deaths and have presented testimony in court regarding my reconstruction conclusions at the request of attorneys for the prosecution and for the defense. Prosecutors requesting my assistance over the years have included William Kinsel, Patricia Aiken, Brian Gaine, Fred Yeatts, Roy Howson, William Downing, Jeff Baird, Lee Yates, Kerry Keefe, Kate Flack and others. Defending attorneys have included Irving Paul, Anthony Savage, Murray Guterson, Wesley Hohlbein, Barbara Durham, John Henry Browne, David Allen, Jeff Ellis and others.

Some of these death investigations have been shootings involving police officers. On occasion, I have been called on to present my reconstruction conclusions at police firearm review board inquiries and at inquests. Otherwise my reconstruction conclusions have been presented in Superior Courts in Washington, Oregon, Idaho, Montana, Nevada, Indiana and Alaska since 1967.

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Curriculum Vitae

This table lists a few cases where reconstruction conclusions were important to trial strategies and judicial verdict.

<b>Date</b>	<b>Deceased</b>	<b>Case Information</b>	<b>County</b>
<b>1/'75</b>	Donna Howard	Husband claimed victim died of accidental horse kick, scene reconstruction in <b>1984</b> for Attorney General; Husband found guilty	Yakima
<b>11/'87</b>	John Saxerud William Heffernan	Two police officers killed at station - self defense claim, reconstruction for Island Co. Prosecutor; Darrin Hutchison was found guilty	Island
<b>7/'89</b>	Larry Sturholm Debra Swiegart	Sturholm & girlfriend killed - reconstruction for Prosecutor; William Pawlyk found guilty	King
<b>9/'92</b>	Mayme Lui	Widow of Yen Lui found dead over embankment - reconstruction for Prosecutor; Guilty finding for two defendants.	King
<b>7/'94</b>	Rafay Family	Triple homicide in Bellevue - reconstruction for Bellevue Police Department; defendants convicted in February of 2004	King
<b>12/'95</b>	Bendele, Finley, Williams	Triple homicide - reconstruction for defense; Conan Wayne Hale found guilty	Lane; Eugene, Oregon
<b>7/'96</b>	Clifford Barks, Reg. Williams	Barks & Reginald Williams found dead - reconstruction for defense attorney; Larry Lee Clark found not guilty	Pierce
<b>12/'96</b>	Fredrick Martin	Martin was found dead in his cabin - reconstruction for defense; Christopher Harding found not guilty	Okanogan
<b>10/'96</b>	Dale Bowers	Bowers was found dead at home - reconstruction in <b>April '97</b> for Adams Co. Sheriff to determine whether homicide or suicide - Homicide.	Adams
<b>7/'98</b>	Kim Benedict	Benedict was found dead in his car in the Cascade foothills - reconstruction for defense - Donald Simon found not guilty	Lewis
<b>2/'99</b>	Matthew Saeger	Saeger was found dead in the roadway May of '95- reconstruction in <b>February 1999</b> for prosecutor; Jeffery Sutherland found guilty	Mason
<b>9/'00</b>	Harold Roberts	Mr. Roberts was charged with murdering his son-in-law - reconstruction for the defense; found not guilty - self defense	Palmer, Alaska
<b>3/'01</b>	Kathryn Noonan	Mr. Noonan was found dead at home, his wife was charged with Murder - reconstruction for the defense; Kathryn Noonan found not guilty	Skagit

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**TESTIMONY LIST**

<b>DATE</b>	<b>TYPE</b>	<b>Retained By</b>	<b>ATTORNEY</b>	<b>DEFENDANT</b>	<b>CHARGE</b>	<b>COURT</b>
2-3-15	Testimony	Defense	Barbara Corey 902 South 10 <sup>th</sup> Street Tacoma, WA 98405	Ervin Banks	Attempt Murder; Firearm	Pierce County Superior Court Tacoma, WA
12-9-14	Testimony	Prosecution	Robert Yu Deputy Prosecuting Attorney Special Assault Unit Pierce County Prosecutor's Office 930 Tacoma Ave S, Rm 946 Tacoma, WA 98402	Leo Lavern Rubedew	Attempted Murder; Firearm	Pierce County Superior Court Tacoma, WA
12-4-14	Testimony	Defense	Dino Sepe Department of Assigned Counsel 949 Market Street, Suite 334 Tacoma, WA 98402-3696	Bonnie Teafattiller	Attempt Murder/ Assault	Pierce County Superior Court Tacoma, WA
8-14-14	Testimony	Prosecution	Robert Yu Deputy Prosecuting Attorney Special Assault Unit Pierce County Prosecutor's Office 930 Tacoma Ave S, Rm 946 Tacoma, WA 98402	Leo Lavern Rubedew	Attempted Murder	Pierce County Superior Court Tacoma, WA
7-28-14	Testimony	Defense	Barbara Corey 902 South 10 <sup>th</sup> Street Tacoma, WA 98405	Anthony Eugene Ralls	Murder	Pierce County Superior Court Tacoma, WA
5-28-14	Deposition	Plaintiff Jonathan Dasho	Timothy R. Loraff 1001 4 <sup>th</sup> Ave, Ste 3200 Seattle, WA 98154	City of Federal Way, WA et al	Shooting injury	United States District Court Western District of WA Seattle, WA
4-23-14	Deposition	Plaintiff Jason John	Thomas Dunn 510 East Holly Street Bellingham, WA 98225	Trooper R. S. Rogers St. of WA et al	Shooting injury	United States District Court Western District of WA Seattle, WA
3-26-14	Testimony	Defense	Ben Goldsmith The Defender Association 810 Third Avenue, Suite 800 Seattle, WA 98104	Lovett James Chambers	Murder	King County Superior Court Seattle, Washington

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DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
3-11-14	Testimony	Defense	Dino Sepe Department of Assigned Counsel 949 Market Street, Suite 334 Tacoma, WA 98402-3696	John Ben Jones, Jr.	Murder	Pierce County Superior Court Tacoma, WA
1-21-14	Testimony	Defense	Ben Goldsmith The Defender Association 810 Third Avenue, Suite 800 Seattle, WA 98104	Lovett James Chambers	Murder	King County Superior Court Seattle, Washington
10-28-13	Testimony	Defense	Roger Hunko Law Office of Wecker Hunko 926 Sidney Avenue Port Orchard, WA 98366	Darold Stensen	Murder (Double-Shooting)	Kitsap County Superior Court Port Orchard, Washington
7-25-13	Testimony	Defense	Travis C. Brandt 330 King Street Suite #1 Wenatchee, WA 98801	Isidro Torres	Assault Stabbing	Chelan County Superior Court Wenatchee, WA
6-27-13	Testimony	Defense	Peter T. Connick 80 Yesler Way Suite #320 Seattle, Washington 98104	Tashia Stuart	Murder Shooting/Hatchet	Benton County Superior Court Pasco, Washington
4-15-13	Testimony	Defense	Richard Whitehead Department of Assigned Counsel 949 Market Street, Suite 334 Tacoma, WA 98402-3696	Anthony Tyrone Clark	Murder Shooting	Pierce County Superior Court Tacoma, WA
9-22-12	Testimony	Defense	Jacqueline K. Walsh Walsh & Larranaga Law 705 Second Avenue, Number 405 Seattle, WA 98104	David Nickels	Murder Shooting	Grant County Superior Court Ephrata, Washington
10-22-12	Testimony	Defense	Robert R. Chastain PO Box 756 300 Main, Suite 158 Boise, ID 83701-0756	Rob Hall	Murder Shooting	ADA County District Court Of the Fourth Judicial District Boise, Idaho

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DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
7-16-12	Testimony	Defense	Jeff Swan Yakima County DAC 311 N. 4th St. Suite 104 Yakima, WA 93901	Lance J. Stafford	Assault Scalding Child	Yakima County Superior Court Yakima, Washington
5-1-12	Testimony	Defense	Roger A. Hunko Law Office of Wecker Hunko 926 Sidney Avenue Port Orchard, WA 98366	Darlene Green	Murder Shooting	Kitsap County Superior Court Port Orchard, Washington
11-29-11	Testimony	Defense	Sandra Johnston 818 S. Yakima Suite #201 Tacoma, WA 98405	Alfred Joseph Sanchez	Assault	Thurston County Superior Court Olympia, Washington
10-27-11	Testimony	Defense	Tim Kelly Law Offices of Anthony C. Otto 1083 SW Bay Street Port Orchard, WA 98366	Dennis McCarthy	Assault	Kitsap County Superior Court Port Orchard, WA
7-19-11	Testimony	Defense	Peter Mazzone Mazzone and Cantor, LLP 1604 Hewitt Avenue, Suite 515 Everett, WA 98201	Keira Earhart	Murder	Snohomish County Superior Court Everett, WA
7-18-11	Testimony	Defense	Peter S. Schweda Waldo, Schweda & Montgomery 2206 N. Pines Road Spokane, WA 99206	Rudy Garcia	Murder	US District Court Eastern District of Washington Spokane, Washington
5-9-11	Testimony	Defense	Peter Mazzone Mazzone and Cantor, LLP 1604 Hewitt Avenue, Suite 515 Everett, WA 98201	Dorcus Allen	Assisted Murder	Pierce County Superior Court Tacoma, WA
4-25-11	Testimony	Defense	Wendy Holton 211 5th Avenue Helena, MT 59601	Troy Mc Garvey	Murder	Montana Judicial Court Flat Head County Kalispell, Montana
3-9-11	Testimony	Defense	Anna Tolin Tolin Law Firm 601 Union Street, Suite 4200 Seattle, WA 98101	Jonathan Dasho	Assault	King County Superior Court Kent, Washington



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DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
3-1-11	Testimony	Defense	Don McConnell McConnell Law Firm 207 West Main Centralia, WA 98531	Jesse Karr	Manslaughter	Lewis County Superior Court Chehalis, Washington
12/13/10	Testimony	Defense	Peter Mazzone Mazzone and Cantor, LLP 1604 Hewitt Avenue, Suite 515 Everett, WA 98201	Keira Earhart	Murder	Snohomish County Superior Court Everett, WA
12/2/10	Testimony	Defense	Mark D. Mestel The Moose Tower 3221 Oakes Avenue Everett, WA 98201	Teresa Ort	Vehicular Homicide	Snohomish County Superior Court Everett, WA
10/27/10	Testimony	Defense	Sandra Johnston 818 S. Yakima Suite #201 Tacoma, WA 98405	Alfred Joseph Sanchez	Assault	Thurston County Superior Court Olympia, Washington
5/25/10	Testimony	Defense	Evgeniya Mordekhova Northwest Defenders Association 1111 Third Avenue, Suite 200 Seattle, WA 98101	Mario Petrilli	Assault	King County Superior Court Seattle, Washington
3/24/10	Testimony	Defense	Jim Conroy (Pete Connick) Law Offices of Society of Counsel Representing Accused Persons 1401 East Jefferson Street, Ste. 200 Seattle, WA 98122	Conner Schierman	Quadruple Murder	King County Superior Court Seattle, Washington
2/10/10	Testimony	Defense	Rick Cordes, Cordes Brandt, PLLC 2625 B Parkmont Lane SW Olympia, WA 98502	Kenneth Slett	Murder	Lewis County Superior Court Chehalis, Washington
12/2/09	Testimony	Defense	John Henry Brown Law Offices of John Henry Browne 2100 Exchange Building 821 2nd Avenue Seattle, WA 98104-1540	Tracy Floren	Murder	King County Superior Court Seattle, Washington



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DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
9/29/09	Testimony	Defense	Barbara Corey 901 I Street, Suite 201 Tacoma, WA 98405	Raymond Garland	Murder	Pierce County Superior Court Tacoma, WA
5/14/09	Testimony	Prosecution	Carla Carlstrom Senior Deputy Prosecuting Attorney W554 King County Courthouse 516 Third Avenue Seattle, WA 98104	James Groth	Murder	King County Superior Court Seattle, Washington
5/6/09	Testimony	Defense	Barbara Corey 901 I Street, Suite 201 Tacoma, WA 98405	Aquarius T. Walker	Murder	Pierce County Superior Court Tacoma, WA
4/28/09	Testimony	Defense	Peter Geisness The Geisness Law Firm Colman Building, Suite 675 811 First Avenue Seattle, WA 98104	Ismail Hassan	Assault (Shotgun Shooting)	King County Superior Court Kent, Washington
11/23/08	Testimony	Defense	Pete Mazzone Mazzone and Markwell, Lawyers 2910 Colby Ave. Ste. 200 Everett, WA 98201	Gregory Nelson	Assault (Officer involved Shooting)	Snohomish County Superior Court Everett, WA
10/22/08	Testimony	Defense	Pete Mazzone Mazzone and Markwell, Lawyers 2910 Colby Ave. Ste. 200 Everett, WA 98201	Bryce Fortier	1 <sup>st</sup> Degree Murder	Snohomish County Superior Court Everett, WA
8/6/08	Testimony	Defense	John Crowley Crowley Law Firm 705 2nd Ave Seattle, WA 98104	Michael Spencer	1 <sup>st</sup> Degree Murder	Yakima County Superior Court Yakima, WA
6/27/08	Testimony	Defense	Josephine White Northwest Defenders Association 1111 Third Avenue, Ste 200 Seattle, WA 98101	Nicholas Nolen	Malicious Mischief	King County Juvenile Court Seattle, Washington

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DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
6/23/08	Testimony	Defense	Al Kitching, Society of Counsel Representing Accused Persons 1401 East Jefferson St., Suite 200 Seattle, WA 98122	Richard Trevor Lewis Duncalf	Assault	King County Superior Court Seattle, Washington
5/13/08	Testimony	Defense	Peter T. Connick 80 Yesler Way Suite #320 Seattle, Washington 98104	Tony Smith	Triple Murder Shooting	King County Superior Court Kent, Washington
1/23/08	Testimony	Defense	Mark Vovos West 1309 Dean Avenue Delphi Building Spokane, WA 99201	Norman Ford	Murder Shooting	US District Court Eastern District of WA Spokane, WA
12/5/07	Testimony	Defense	Raymond C. McFarland 320 Maynard Building 119 First Avenue South Seattle, Washington 98104	Noel Caldellis	Murder Shooting	Snohomish County Superior Court Everett, WA
12/4/07	Testimony	Defense	Jesse Cantor Rios Cantor, PS 811 First Avenue, Suite 200 Seattle, WA 98104	Jose Sanchez	Aggravated Double Murder Shooting	Yakima County Superior Court Yakima, Washington
9/25/07	Testimony	Defense	Peter T. Connick 80 Yesler Way Suite #320 Seattle, Washington 98104	Bobby Joe Lyons	Murder Shooting	King County Superior Court Seattle, Washington
9/20/07	Testimony	Defense	John Henry Browne Law Offices of John Henry Browne 2100 Exchange Building 821 2nd AvenueSeattle, WA 98104-1540	Samir Karawi	Assault Shooting	King County Superior Court Seattle, Washington

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8/16/07	Testimony	Defense	Marcelle McDannel OPA-AJR 900 West Fifth Avenue Suite 702 Anchorage, AK 99501	Tom Evenson	Murder Stabbing	Alaska State Court Sitka, Alaska
6/19/07	Testimony	Defense	Kathleen Kyle Snohomish County Public Defender Assoc. 1721 Hewitt Ave, Suite 200 Everett, WA 98201	Martin Pena-Almanza	Firearm Violation	Snohomish County Juvenile Court Everett, Washington
6/5/07	Testimony	Defense	Gary Davis Associated Counsel for the Accused 110 Prefontaine Place South #200 Seattle, WA 98104	John Q. Morimoto	Murder (Double) Stabbing	King County Superior Court Seattle, Washington
5/9/07	Testimony	Defense	Wm. Michael Hanbey, Attorney at Law PO Box 2575 Olympia, WA 98507	Kenneth Slert	Murder Shooting	Lewis County Superior Court Chehalis, Washington
1/10/07	Testimony	Defense	Geoffrey C. Cross Offices of Geoffrey C. Cross 252 Broadway Tacoma, Washington 98402	Michael Dyer	Vehicular Homicide	Pierce County Superior Court Tacoma, Washington
12/7/06	Testimony	Defense	Michael Schwartz 1001 Fourth Ave. Plaza Suite 2120 Seattle, WA 98154	Krystal Brown	Traffic Accident Officer Involved	Shoreline District Court Snohomish County Shoreline, Washington
12/5/06	Testimony	Defense	Dino Sepe Department of Assigned Counsel 949 Market Street, Suite 334 Tacoma, WA 98402-3696	Victor E. Martinez	Murder Shooting	Pierce County Superior Court Tacoma, Washington

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11/15/06	Testimony	Defense	Marcelle McDannel, Alaska Public Defender Agency 268 Firewood, Suite 102 Palmer, AK 99645	Thomas Evenson	Murder Stabbing	Alaska State Court Petersburg, Alaska
10/25/06	Testimony	Defense	Stephen Garvey 2707 Colby Avenue, Suite 1116 Everett, WA 98201	Kevin Riley	Assault/Burglary Toolmark	Snohomish County Superior Court Everett, WA
10/23/06	Testimony	Defense	Dino Sepe Department of Assigned Counsel 949 Market Street, Suite 334 Tacoma, WA 98402-3696	Larry Blackwell	1 <sup>st</sup> Degree Assault Shooting	Pierce County Superior Court Tacoma, Washington
10/19/06	Testimony	Defense	Peter E. Friedman, The Maynard Building Suite #320 119 First Avenue South Seattle, WA 98104	Samir Karawi	Assault Shooting	King County Superior Court Seattle, Washington
6/20/06	Testimony	Defense	Thomas C. Phelan, Attorney at Law 806 Officers' Row Vancouver, WA 98661	Robin Schreiber	Vehicle Homicide, Premeditated	Clark County Superior Court Vancouver, Washington
4/19/06	Testimony	Defense	Dino Sepe Department of Assigned Counsel 949 Market Street, Suite 334 Tacoma, WA 98402-3696	Larry Blackwell	1 <sup>st</sup> Degree Assault Shooting	Pierce County Superior Court Tacoma, Washington
3/28/06	Testimony	Defense	Robert Goldsmith Seattle, WA	Kiron Reid	1 <sup>st</sup> Degree Murder Shooting	King County Superior Court Seattle, Washington

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<b>DATE</b>	<b>TYPE</b>	<b>Retained By</b>	<b>ATTORNEY</b>	<b>DEFENDANT</b>	<b>CHARGE</b>	<b>COURT</b>
12/13/05	Testimony	Defense	Holly Handler Alaska Public Defender Agency 268 Firewood, Suite 102 Palmer, AK 99645	Eugene Gordon	1 <sup>st</sup> Degree Murder Shooting	Alaska State Superior Court Palmer, Alaska
11/8/05	Testimony	Defense	Therese Lavallee 1014 Franklin Street, Suite 108 Vancouver, WA 98660	Sophia Johnson	1 <sup>st</sup> Degree Murder Bludgeoning	Clark County Superior Court Vancouver, WA
10/25/05	Testimony	Defense	Julie Gaisford Market Place Two, Suite 200 2001 Western Avenue Seattle, WA 98121	Kevin A. Gilbert	1 <sup>st</sup> Degree Murder Shooting	King County Superior Court Kent, Washington
10/3/05	Testimony	Defense	W. Kirkland Taylor Suite 3200, 1001 Fourth Ave. Plaza Seattle, WA 98154	Yusuf Jafar Jama	Rape	King County Superior Court Seattle, Washington
8/31/05	Testimony	Defense	John Henry Browne Law Offices of John Henry Browne 2100 Exchange Building 821 2nd Avenue Seattle, WA 98104-1540	Laiching "Julia" Siu	1 <sup>st</sup> Degree Murder Shooting	King County Superior Court Seattle, Washington
8/24/05	Testimony	Defense	Peter T. Connick 157 Yesler Way Interurban Building, Suite #518 Seattle, Washington 98104	Glen Dale Hamilton	Assault	King County Superior Court Kent, Washington
6/7/05	Testimony	Defense	Geoffrey C. Cross Law Offices of Geoffrey C. Cross 252 Broadway Tacoma, Washington 98402	Tor Knight	Assault Officer Involved Shooting	Pierce County Superior Court Tacoma, Washington 2k3-034
4/13/05	Testimony	Defense	Craig S. McDonald 106 Pioneer Building 600 First Avenue Seattle, Washington 98104	David A. Bye	1 <sup>st</sup> Degree Murder Shooting	King County Superior Court Seattle, Washington

**Kay M. Sweeney**  
**KMS Forensics Inc, PO Box 8580, Kirkland, Washington, 98034**  
**TESTIMONY LIST**

DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
3/22/05	Testimony	Defense	Adrian Pimentel Jordan Law Office 2201 North 30th Street Tacoma, WA 98403	Lisa Kanamu	1 <sup>st</sup> Degree Assault Shooting	Pierce County Superior Court Tacoma, Washington
3/21/05	Testimony	Prosecution	Ronald Doersch Deputy Prosecuting Attorney Snohomish County 3000 Rockefeller Ave m/s#504 Everett, WA 98201-4048	Jerry Jones	1 <sup>st</sup> Degree Murder Stabbing	Snohomish County Superior Court Everett, WA
3/15/05	Testimony	Defense	Erik Bauer 215 Tacoma Avenue South Tacoma, Washington 98402	Laurie Leenders	1 <sup>st</sup> Degree Murder Stabbing	King County Superior Court Kent, Washington
12/8/04	Testimony	Defense Pro-Se	Nicholas J. Cencich, (Pro Se) Stafford Creek Corrections Center 191 Constantine Way Aberdeen, WA 98520	Nicholas J. Cencich	Assault Shooting	Thurston County Superior Court Olympia, Washington
12/7/04	Testimony Pre-Trial	Defense	John Henry Browne Law Offices of John Henry Browne 2100 Exchange Building 821 2nd Avenue Seattle, WA 98104-1540	Troy Hagen	Vehicular Homicide	King County Superior Court Seattle, Washington
11/9/04	Testimony	Defense	Robert S. McKay P.O. Box 1297 Edmonds, WA 98020	Kiron Reid	1 <sup>st</sup> Degree Murder Shooting	King County Superior Court Seattle, Washington
11/3/04	Testimony	Defense	Robert M. Peterson PO Box 670 Atrium Mall, Suite 405 Havre, Montana 59501	Laurence Dean Jackson, Jr.	Capital Murder Shooting	Montana Seventeenth Judicial District Court, Blaine County
10/12/04	Testimony	Plaintiff	Joseph A. Grube 1080 Broadacres Building 1601 Second Avenue Seattle, Washington 98101	City of West Linn, Oregon	Unlawful Death Shooting	US Federal Court Portland, Oregon



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9/22/04	Testimony	Defense	Gary Nacht P.O. Box 15752 Seattle, WA 98115	George Antonio	Assault Shooting	King County Superior Court Kent, Washington
8/25/04	Testimony	Defense	Charles Johnston 202 East 34 Street Tacoma, WA 98404	Charles Paul Nunn	Assault Beating	Pierce County Superior Court Tacoma, Washington
6/21/04	Testimony	Defense	Neal Friedman Snohomish County Public Defender Assoc. 1721 Hewitt Ave, Suite 200 Everett, WA 98201	Jason Harrison	1 <sup>st</sup> Degree Murder Shooting	Snohomish County Superior Court, Everett, Washington
5/27/04	Testimony	Defense	John Henry Browne, Law Offices of John Henry Browne 2100 Exchange Building 821 2nd Avenue Seattle, WA 98104-1540	Joe Lear	Assault Shooting	Clark County Superior Court Vancouver, Washington
5/18/04	Testimony	Defense	Ann Stenberg Stenberg Law Firm, P.S. 707 Pacific Avenue Tacoma, WA 98402	Mert Celebisoy	1 <sup>st</sup> Degree Murder Shooting	Thurston County Superior Court Olympia, Washington
5/17/04	Testimony	Defense	Jim Robinson Associated Counsel for the Accused 110 Prefontaine Place S Suite 200 Seattle, WA 98104	Jesus Mezquia	1 <sup>st</sup> Degree Murder Beating/ Strangulation	King County Superior Court Seattle, Washington
5/12/04	Testimony	Defense	Charles Johnston 202 East 34 Street Tacoma, WA 98404	Todd Burnside	Assault on Police Shooting	US Federal Court Tacoma, Washington

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2/9/04	Testimony	Prosecution	James Jude Konat Chief Criminal Deputy Prosecuting Attorney W554 King County Courthouse Seattle, WA 98104	Sebastian Burns Atif Rafay	Triple Homicide Aggravated Murder Beating	King County Superior Court Seattle, Washington
1/29/04	Testimony	Defense	Charles Johnston 202 East 34 Street Tacoma, WA 98404	Todd Burnside	Assault on Police Shooting	US Federal Court Tacoma, Washington
10/15/03	Testimony	Defense	James M. Macalka, 703 Michigan Avenue LaPorte, Indiana 46350	James N. Smith	1 <sup>st</sup> Degree Murder Shooting	LaPorte Circuit Court LaPorte, Indiana
10/10/03	Testimony	Defense	Christine Mrak 1422 Seneca Street Seattle, WA 98101	Ali Radboy	Vehicular Homicide	Metro Transit Division Of King County Arbitration Board
9/10/03	Testimony	Defense	Daron Morris Law Offices of The Defender Association 810 Third Avenue Suite 800 Seattle, WA 98104	Alvin Keys	Assault Shooting	King County Superior Court Seattle, Washington
8/14/03	Testimony	Defense	Ken Johnson Williams & Johnson 57 West Main Street Suite 200 Chehalis, WA 98532	Samuel G. Douglas	Murder Shooting	Lewis County Superior Court Chehalis, Washington
4/17/03	Testimony	Defense	Larry J. King PO Box 796 Olympia, WA 98507	Leroy Sylvester	Assault on Police Shooting	Mason County Superior Court Shelton, Washington
1/31/03	Testimony	Defense	Robert L. Abel 10 Crater Lake Ave, Suite #2 Medford, Oregon 97504	Gregory Allen Bowen	Aggravated Murder Shooting	Curry County Circuit Court Gold Beach, Oregon



**Kay M. Sweeney**  
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<b>DATE</b>	<b>TYPE</b>	<b>Retained By</b>	<b>ATTORNEY</b>	<b>DEFENDANT</b>	<b>CHARGE</b>	<b>COURT</b>
12/3/02	Testimony	Defense	Zenon Olbertz 1008 So. Yakima Ave, Suite 302 Tacoma, WA 98405	Brian Eggleston	Aggravated Murder Shooting	Pierce County Superior Court Tacoma, Washington
9/13/02	Testimony	Defense	Darrel Gardner Office of Public Advocacy 900 West 5 Avenue, Suite 525 Anchorage, AK 99501	Darin Jones	Murder Shooting	Alaska State Superior Court Anchorage, Alaska
7/17/02	Testimony	Defense	John Henry Browne Law Offices of John Henry Browne 2100 Exchange Building 821 2nd Avenue Seattle, WA 98104	Michael Sipin	Vehicular Homicide	King County Superior Court Kent, Washington
6/18/02	Testimony	Defense	David A. Trieweller 106 Pioneer Building 600 First Avenue Seattle, WA 98104	Nelson Allen	Attempted Murder Shooting	King County Superior Court Seattle, Washington
6/11/02	Testimony	Defense	Ann Stenberg Stenberg Law Firm, P.S. 707 Pacific Avenue Tacoma, WA 98402	Chea Phet	Murder Quintuple Homicide Shooting	Pierce County Superior Court Tacoma, Washington
5/27/02	Testimony	Defense	Michael Schwartz 1001 Fourth Ave. Plaza Suite 2120 Seattle, WA 98154	Peter Bergna	Murder Vehicle over cliff	State of Nevada Judicial District Court Washoe County Reno, Nevada
5/14/02	Testimony	Defense	Brett A. Purtzer Law Offices of Monte E. Hester, Inc., P.S. 1008 South Yakima Avenue, Suite 302 Tacoma, WA 98405	Stanley Chambers	Civil Wrongful Death Police Shooting	Pierce County Superior Court Tacoma, Washington

**Kay M. Sweeney**  
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**TESTIMONY LIST**

DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
12/18/01	Testimony	Defense	Steven W. Thayer 514 West 9th Street Vancouver, Washington 98660	Robin Jensen	Assault Shooting at Police	Clark County Superior Court Vancouver, Washington
11/23/01	Testimony	Defense	Charles M. Fryer 101 SW Washington Hillsboro, Oregon 97123	Robert W. Walker	1 <sup>st</sup> Degree Murder Shooting	Washington County Circuit Court Hillsboro, Oregon
10/23/01	Testimony	Defense	Michael Schwartz 1001 Fourth Ave. Plaza Suite 2120 Seattle, WA 98154	Peter Bergna	Murder Vehicle over cliff	State of Nevada Judicial District Court Washoe County Reno, Nevada
7/24/01	Testimony	Defense	Roy Howson Howson Law Office Pioneer Building 302 Pine Street Square Mount Vernon, WA 98273	Kathryn Noonan	1 <sup>st</sup> Degree Murder Shooting	Skagit County Superior Court Mount Vernon, Washington
6/11/01	Testimony	Defense	Mark Vovos West 1309, Dean Avenue Delphi Building Spokane, WA 99201	Charles Clugston	Rape	King County Superior Court Seattle, Washington
5/10/01	Testimony	Defense	Omadaire Jupiter Assistant Federal Public Defender Western District of Washington 1111 Third Avenue, # 1100 Seattle, WA 98101	US v. Bernard Edward Warner Cause No. CR 00- 484 L	Firearm Violation	US Federal Court Seattle, Washington
3/14/01	Testimony	Defense	John Henry Browne 2100 Exchange Building 821 2nd Avenue Seattle, WA 98104	State v. David Wayne Kunze No. 96-1-00773-1	1 <sup>st</sup> Degree Murder Beating	Clark County Superior Court Vancouver, Washington
3/6/01	Testimony	Defense	Judith Mandel 524 Tacoma Avenue South Tacoma, WA 98402	State v. Trevor Johnson	Armed Robbery	Kitsap County Superior Court Port Orchard, WA

**Kay M. Sweeney**  
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DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
2/14/01	Testimony	Defense	Mark Vovos West 1309 Dean Avenue Delphi Building Spokane, Washington 99201	State v. Eliberto Rivera No. 99-1-1628-4	1 <sup>st</sup> Degree Murder Strangulation	Yakima County Superior Court Yakima, WA
1/19/01	Testimony	Prosecution	Ron Doersch Deputy Prosecuting Attorney Snohomish County 3000 Rockefeller Ave m/s#504 Everett, WA 98201-4048	State v. Jerry B. Jones No. 89-1-00170-0	1 <sup>st</sup> Degree Murder Stabbing	Snohomish County Superior Court Everett, WA
12/14/00	Testimony	Defense	Steven C. Mahaffy 327 East First Street PO Box 9381 Moscow, ID 83843	Dale Shackelford	1 <sup>st</sup> Degree Murder Shooting/Arson Double homicide	Second Judicial District Court Latah County Moscow, Idaho
11/8/00	Testimony	Defense	Michael Schwartz 1001 Fourth Ave. Plaza Suite 2120 Seattle, WA 98154	Kevin Nelson-Bouck	1 <sup>st</sup> Degree Assault Shooting	Clallam County Superior Court Port Angeles, Washington
10/31/00	Testimony	Defense	Patricia St. Clair 475 South Oak Colville, WA 99114	Francis Cota	1 <sup>st</sup> Degree Murder Shooting/Arson	Ferry County Superior Court Republic, Washington
8/21/00	Testimony	Defense	Robert Herz Law Offices of Robert Herz 425 G Street, Suite 600 Anchorage, AK 99501	Harold Roberts	1 <sup>st</sup> Degree Murder Shooting	Alaska State Superior Court Palmer, Alaska
5/22/00	Testimony	Defense	Peter T. Connick 157 Yesler Way Interurban Building Suite #518 Seattle, WA 98104	Craig Barfield	Rape	King County Superior Court Seattle, Washington
4/27/00	Testimony	Defense	Ken Therrien DAC, Suite A 103 North Third Street, Yakima, WA 98901	Jose Rodriguez	Drive by Shooting	Yakima County Superior Court Yakima, Washington

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2/29/00	Testimony	Defense	John Henry Browne Law Offices of J. H. Browne 2100 Exchange Building 821 2nd Avenue Seattle, WA 98104	Derrick Jones	1 <sup>st</sup> Degree Murder Shooting	King County Superior Court Seattle, Washington
2/22/00	Testimony	Prosecution	Jim Powers, DPA Thurston County Prosecuting Attorney's Office 2415 Evergreen Park Dr SW Bldg C Olympia, WA 98502	Mitchell Rupe	Aggravated Murder Double Homicide Bank Robbery	Thurston County Superior Court Olympia, Washington
2/16/00	Testimony	Defense	Kenneth Morrow 310 East 11th Avenue Eugene, Oregon 97401	Phillip Scott Cannon	1 <sup>st</sup> Degree Murder Triple Homicide Shooting	Polk County Circuit Court Dallas, Oregon
2/1/00	Testimony	Defense	Mark Vovos West 1309 Dean Avenue Delphi Building Spokane, WA 99201	Gonzales	Aggravated Murder Shooting	Lincoln County Superior Court Davenport, Washington Change of Venue
1/18/00	Testimony	Defense	Veronica Freitas SCRAP, Suite 101 420 West Harrison St., Kent, WA 98032	Craig Kubeck	Assault Shooting	King County Superior Court Kent, Washington
10/21/99	Testimony	Defense	Hugh McGavick 2415 Pacific Avenue, #A Olympia, WA 98501	Michael Crawford	Assault Stabbing	Thurston County Superior Court Olympia, Washington
10/14/99	Testimony	Defense	Brian Tipp 2200 Brooks Missoula, MT 59806 PO Box 3778	Victor Smith	Attempted Murder/Assault Shooting	Montana Judicial Court Ravalli County Hamilton, Montana

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DATE	TYPE	Retained By	ATTORNEY	DEFENDANT	CHARGE	COURT
9/21/99	Testimony	Defense	Mark McLaverty 800 Kensington Suite 202 Missoula, MT 59801	Larry Dewayne Adams	Attempted Murder/Assault Shooting	Montana Judicial Court Ravalli County Hamilton, Montana
8/24/99	Testimony	Defense	Richard Jones Law Offices of Richard B. Jones 720 Prospect Street Port Orchard, WA 98366	Robert Rutherford	Assault Stabbing	Kitsap County Superior Court Port Orchard, Washington
4/20/99	Testimony	Defense	Mark Hendershott, Attorney at Law P.O. Box P Sutherlin, Oregon 97479	Jesse Stuart Fanus	1 <sup>st</sup> Degree Murder Shooting	Douglas County Circuit Court Roseburg, Oregon
3/3/99	Testimony	Prosecution	Amber Finley DPA Mason County Prosecutor's Office Shelton, WA	Jeffrey Sutherland	Vehicular Homicide	Mason County Superior Court Shelton, Washington
3/3/99	Testimony	Defense	Don A. McConnell McConnell & Associates 207 West Main Centralia, WA 98531	Donald Simon	1 <sup>st</sup> Degree Murder Stabbing	Lewis County Superior Court Chehalis, Washington
1/21/99	Testimony	Defense	Corinne J. Lai Cascade Building, Suite 825 520 SW 6th Ave Portland, Oregon 97204	Bryant Wayne Howard	Aggravated Murder	Multnomah County Circuit Court Portland, Oregon

1  
2  
3  
4  
5 IN THE SUPERIOR COURT OF WASHINGTON  
6 FOR MASON COUNTY

7 State of Washington,

Case No.: 12-1-00064-6

8 Respondent/Plaintiff

9 v.

**DECLARATION OF THOMAS J.  
FERRER, M.D.**

10 Martin S. Ivie,

11  
12 Petitioner/Defendant

13 I declare under penalty of perjury under the laws of the State of Washington that the  
14 following is true and correct.

15 1. I am a trauma/critical care surgeon with Trauma Trust in Tacoma and hold  
16 privileges at Tacoma General Hospital. I attended the University of Washington Medical School,  
17 followed by a residency at the University of Arkansas, before completing a fellowship in trauma  
18 and surgical critical care at the University of Maryland Medical Center. I am board-certified in  
19 general surgery and surgical critical care.

20 2. On the night of February 9, 2012, I was at Tacoma General Hospital when patient  
21 Martin Ivie arrived. I documented my care and treatment of Mr. Ivie from February 9 - 10, 2012  
22 in a Trauma History & Physical attached hereto as Exhibit A.

23 3. As described in the Trauma History & Physical, Mr. Ivie had been transferred to  
24 Tacoma General Hospital from Mason General Hospital. Mr. Ivie arrived at the Emergency  
25 Department at Tacoma General Hospital at or around 11:05 p.m. on February 9, 2012 and I first  
26 saw him at or around 11:07 p.m. Mr. Ivie was transferred from the Emergency Department around

DECLARATION OF THOMAS J. FERRER, M.D. - 1

CAMIEL & CHANEY, P.S.  
2101 FOURTH AVENUE, SUITE 1900,  
SEATTLE, WA 98121-2315  
(206) 624-1551

In re Ivie, App. 51

1 3:00 a.m. on February 10, 2012 to the Intensive Care Unit. It was reported to me Mr. Ivie had  
2 been shot by police after resisting arrest.

3 4. It was my impression that Mr. Ivie had: (i) an open wound on the upper left back;  
4 (ii) a left flank hematoma; (iii) a nickel-size wound on the left lower back draining blood; (iv) a  
5 nickel-size wound on the right lower back; (v) a small pea-size wound on the left lower back  
6 draining blood; (vi) multiple wounds around the left forearm and elbow; and (vii) scalp wound on  
7 the back of the head. Mr. Ivie's wounds were treated while he was at Tacoma General Hospital.

8 5. I reviewed a Chest CT from Mason General Hospital, which had been interpreted  
9 by Dr. Kelly J. Krizan. Dr. Krizan's impression from the Chest CT was a contusion in the right  
10 upper lobe, multiple metallic fragments in the extrathoracic soft tissues of the right upper chest  
11 and shoulder region, and subcutaneous abnormality and skin breach posteriorly in the right upper  
12 chest. I reviewed an Abdomen/Pelvis CT from Mason General Hospital, which had been  
13 interpreted by Dr. Kelly J. Krizan. Dr. Krizan's impression from the Abdomen/Pelvis CT was an  
14 abnormality in the left flank and posteriorly in the back subcutaneous tissues at the level of the L3  
15 vertebral body with air along this tract as well as multiple small metallic fragments consistent with  
16 gunshot wounds, a small amount of free air in the retroperitoneum without evidence of free fluid  
17 or organ injury, fracture of the left transverse process of L3, and degenerative spondylosis. I  
18 reviewed a Brain CT from Mason General Hospital, which had been interpreted by Dr. Kelly J.  
19 Krizan. Dr. Krizan's impression from the Brain CT was no evidence for intracranial hemorrhage,  
20 mass effect, or midline shift, foreign bodies in the subcutaneous tissues near the vertex area, and  
21 no evidence of calvarial fracture.

22 6. I reviewed x-rays of the left forearm and elbow, abdomen and chest taken at  
23 Tacoma General Hospital, which had been interpreted by Dr. Thomas Keskey. Dr. Keskey's  
24 impressions from those studies, respectively, were: (i) bullet fragments in the soft tissue with no  
25 skeletal injury; (ii) multiple metallic fragments over the mid-abdomen; and (iii) multiple bullet  
26

DECLARATION OF THOMAS J. FERRER, M.D. - 2

CAMEL & CHANEY, P.S.  
2101 FOURTH AVENUE, SUITE 1900,  
SEATTLE, WA 98121-2315  
(206) 624-1551

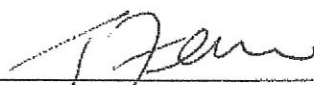


1 fragments over the right axilla and right clavicle, pulmonary opacity right upper lobe suspect  
2 pulmonary contusion, no intrathoracic bullet fragments, and no pneumothorax.

3 7. Mr. Ivie reported severe pain, so he was administered morphine on February 10,  
4 2012 as shown on the Medication Administration Report attached hereto as Exhibit B. Based on  
5 my knowledge and experience as a surgeon, it is frequently difficult to obtain information from a  
6 patient who is experiencing severe pain and receiving narcotics.

7 8. If I had been served with a subpoena to testify in the trial of State v. Ivie in Mason  
8 County Superior Court in 2012, I would have appeared and testified consistently with the care and  
9 treatment I provided Mr. Ivie and documented in the medical record.

10 DATED this 27 day of September, 2016.

11   
12 \_\_\_\_\_  
13 Thomas J. Ferrer, M.D.

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IVIE, Martin (MR # 2983220)

12 - 738

## H&amp;P &amp; Consult Notes

H&amp;P signed by Thomas Ferrer, MD at 02/10/12 0253

Author: Thomas Ferrer, MD	Service: (none)	Author Type: Physician
Filed: 02/10/12 0253	Note: 02/10/12 0108	
	Time:	

## Trauma History and Physical

Patient Name: Martin IVIE  
 MRN: 2983220  
 DOB:  
 Admission Date: 2/10/2012  
 Admitting Physician: Tom Ferrer, MD  
 Midlevel Provider: CJ Smith, PA-C  
 Trauma Activation: No

Seen by: Trauma  
 transferring physician: Dr. John Short  
 Trauma Transfer Facility: Mason General  
 Time Surgeon Arrived: 2307  
 Time Patient Arrived: 2305  
 Arrival VS:

## Filed Vitals:

	02/10/12 0108
BP:	92/42
Pulse:	101
Temp:	98.1 °F (36.7 °C)
Resp:	25
Height:	6' 3" (1.905 m)

Glasgow Coma Scale: Eyes -4 - Opens eyes on own. Verbal -5 - Alert and oriented. Motor - 6 - Follows simple motor commands. Score: 15

## Chief Complaint:

Chief Complaint

## • TRAUMA

*trauma transfer from Mason General, GWS x 3 or 4, used meth and etoh tonight*

, GSW, shot by police

Safety: None

Position: none

**History of Present Illness:** Patient cutting down/stealing maple tree illegally and police encountered him and confronted him for arrest. Patient resisted arrest by pumping a police car with his truck and some point patient

TACOMA GENERAL HOSPITAL  
 315 Martin Luther King Jr Way  
 Tacoma, WA 98415-0299  
 EMR H v3.1

IVIE, MARTIN

MRN:

DOB:

Sex: M

Adm: 2/10/2012, D/C: 2/12/2012

Printed by 46580 at 2/21/12 11:54 AM

12-738

IVIE, Martin (MR # 2983220)

**H&P & Consult Notes (continued)**

was shot multiple times from the police. Patient was sent to Mason General initially and had scans of his chest, abd/pelvis, head and cxr (see results below). He was given a RBC and transferred to TG for definitive treatment by trauma service.

Approximate time from scene or trauma occurrence: reportedly GSW 2030, arrived at Mason General 2226, transferred here at 2305 (minutes)

Transport hemodynamics: no pre hospital hypotensive enroute

Pre Hospital Interventions: 1 unit RBC infused, 2 unit transfusing from Mason General

Patient complaints: back pain

**Was additional history obtained from another source? Police**

Past medical history, past social history and past family history unobtainable due to following patient condition(s): No past medical history on file.

Past Medical History: patient denies

No past surgical history on file.

Past Surgical History: patient denies

**Medications:** patient denies

Patients documented allergies

No Known Allergies

**Allergies:** patient denies**Social:**

History

- |                      |             |
|----------------------|-------------|
| • Smoking status:    | Not on file |
| • Smokeless tobacco: | Not on file |
| • Alcohol Use:       | Not on file |

**Social History:** Tobacco: 1/2ppd smoker

Alcohol: Everyday, 3 hard drinks and beer daily

Recreational drugs: amphetamines

Other:

Screening brief alcohol intervention referral: No

No family history on file.

**Family History:** N/a

**Last PO intake:** yesterday

**Last Tetanus:** today

**PCP:** No primary provider on file.

Review of Systems

Constitutional: Negative.

HENT: Negative.

TACOMA GENERAL HOSPITAL  
315 Martin Luther King Jr Way  
Tacoma, WA 98415-0299  
EMR H v3.1

IVIE, MARTIN

MRN:

DOB: Sex: M

Adm: 2/10/2012, D/C: 2/12/2012

Printed by 46530 at 2/21/12 11:54 AM

12 - 738

IVIE, Martin (MR # 2983220)

**H&P & Consult Notes (continued)**

Eyes: Negative.

Respiratory: Negative.

Cardiovascular: Negative.

Gastrointestinal: Positive for abdominal pain. Negative for nausea, vomiting and diarrhea.

Genitourinary: Negative.

Musculoskeletal: Negative.

Skin: Negative.

Neurological: Negative.

Endo/Heme/Allergies: Negative.

Psychiatric/Behavioral: Negative.

**Physical Exam**

Constitutional: He is oriented to person, place, and time. He appears well-developed and well-nourished.

HENT:

Head: Normocephalic.

Nose: Nose normal.

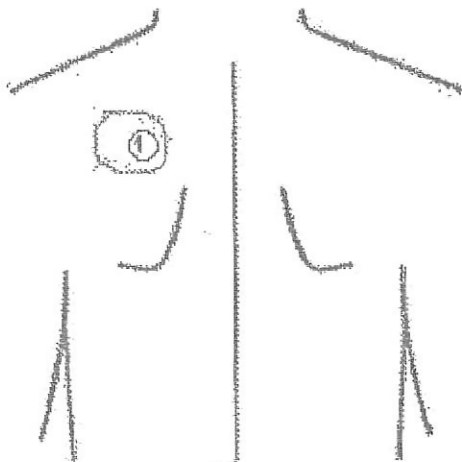
Eyes: Conjunctivae and EOM are normal. Left eye exhibits no discharge. No scleral icterus.

Neck: Normal range of motion. No tracheal deviation present.

Cardiovascular: Normal rate, regular rhythm, normal heart sounds and intact distal pulses. Exam reveals no gallop.

No murmur heard.

Pulmonary/Chest: Effort normal and breath sounds normal. No respiratory distress. He has no wheezes. He has no rales.



1: Open wound

**Diminished right upper lobe**

Abdominal: Soft. Bowel sounds are normal. He exhibits no mass. There is no hepatosplenomegaly. He has no rebound and no guarding.

TACOMA GENERAL HOSPITAL  
 315 Martin Luther King Jr Way  
 Tacoma, WA 98415-0299  
 EMR H v3.1

IVIE, MARTIN

MRN:

DOB: , Sex: M

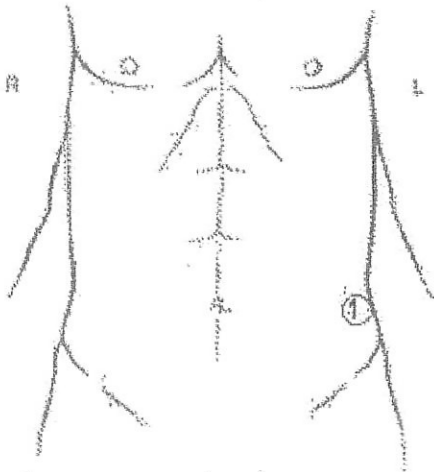
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IVIE, Martin (MR # 2983220)

## H&amp;P &amp; Consult Notes (continued)

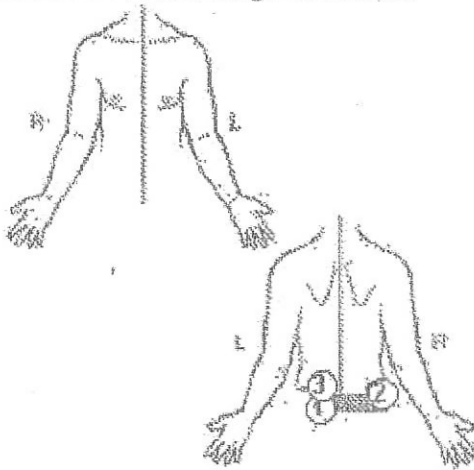


1: Fullness noted from flank hematoma

## Genitourinary:

Foley in place, yellow urine noted

Musculoskeletal: Normal range of motion.



1: Nickel size wound noted left low back, draining blood.

2: Nickel size wound noted left low back

Arms: 3: Small pea size wound, draining blood.

Neurological: He is alert and oriented to person, place, and time. He has normal strength. No cranial nerve deficit.

Skin: Skin is warm. No abrasion noted.

TACOMA GENERAL HOSPITAL  
315 Martin Luther King Jr Way  
Tacoma, WA 98415-0299  
EMR H v3.1

IVIE, MARTIN

MRN:

DOB: , Sex: M

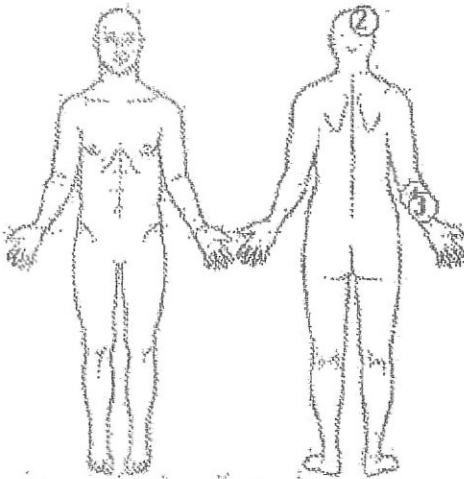
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IVIE, Martin (MR # 2983220)

## H&amp;P &amp; Consult Notes (continued)



- 1: 2 wounds just proximal to elbow on forearm  
 2: Scalp wound approximately 3 cm length and 1 cm width  
 3: 2 wounds left forearm, 2x4 cm long, 1 cm depth and superficial, the next was a abrasion.

Psychiatric: He has a normal mood and affect.

Foley in place: Pre-existing

UTI: Unknown

Pressure ulcer(s): YES: sacrum - Stage I (intact skin with non-blanchable redness)

Lab:

Labs in the last 24 hours

## O CROSSMATCH RBC

Component	Value	Range
Units ordered	2	
ABO/Rh(D)		
Value:	O	
	Positive	
Antibody screen	Negative	
Expiration date	02/13/2012	
Unit number	W127811120978	
Blood component type	Leukoreduced red cells	
Unit division	00	
Status of unit	Allocated	
Transfusion status	Testing complete	
Crossmatch result	Compatible	
Unit number	W127811120893	
Blood component type	Leukoreduced red cells	
Unit division	00	
Status of unit	Allocated	
Transfusion status	Testing complete	

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IVIE, MARTIN

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IVIE, Martin (MR # 2983220)

## H&amp;P &amp; Consult Notes (continued)

Crossmatch result	Compatible
Unit number	W127811120975
Blood component type	Leukoreduced red cells
Unit division	00
Status of unit	Allocated
Transfusion status	Testing complete
Crossmatch result	Compatible
Unit number	W127811120981
Blood component type	Leukoreduced red cells
Unit division	00
Status of unit	Allocated
Transfusion status	Testing complete
Crossmatch result	Compatible

## O CBC WITH DIFF

Component	Value	Range
WBC	17.19 (*)	4.00-12.00 (K/uL)
RBC	3.94 (*)	4.50-6.00 (mil/uL)
Hgb	12.2 (*)	14.0-18.0 (g/dL)
Hct	36.1 (*)	40-54 (%)
MCV	91.6	80-98 (fL)
MCH	31.0	27-33 (pg)
MCHC	33.8	32-37 (g/dL)
RDW	12.5	11.5-15.0
Plt	202	150-450 (K/uL)
Differential type	Manual	
Abs neuts	14.27 (*)	1.80-7.80 (K/uL)
Abs immature grans	0.00	0.00-0.08 (K/uL)
Abs lymphs	1.72	0.80-3.30 (K/uL)
Abs monos	1.20 (*)	0.10-1.00 (K/uL)
Segs	55.0	44-75 (%)
Bands	28.0 (*)	0-10 (%)
Lymphs	10.0 (*)	20-44 (%)
Monos	7.0	2-13 (%)
Eos	0.0	0-5 (%)
Basos	0.0	0.0-2.0 (%)
Metas	0.0	0 (%)
Myelos	0.0	0 (%)
Promyelos	0.0	0 (%)
Plt estimate	Adequate	
RBC morphology	Normal	

## O TPN 10 PANEL

Component	Value	Range
Na	138	135-145 (mmol/L)
K	4.3	3.6-5.3 (mmol/L)
Cl	111 (*)	98-109 (mmol/L)
CO2	16 (*)	21-28 (mmol/L)
Anion gap w/o K	11	7-15
BUN	22	8-24 (mg/dL)
Creatinine	1.00	0.7-1.5 (mg/dL)

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## H&amp;P &amp; Consult Notes (continued)

GFR non African Amer	79	>59 (mL/min)
GFR African American	96	>59 (mL/min)
Glucose	120	65-120 (mg/dL)
Calcium	7.6 (*)	8.5-10.5 (mg/dL)
Magnesium	1.9	1.5-2.6 (mg/dL)
Phosphate	2.9	2.5-4.5 (mg/dL)
Osmolality calc	280 (*)	285-300 (mosm/kg)

## O LACTATE

Component	Value	Range
Lactate	2.8 (*)	0.7-2.1 (mmol/L)

## O PROTHROMBIN (PT)

Component	Value	Range
Protime	14.4	11.3-15.2 (sec)
INR	1.12	0.0-3.5

## O ALCOHOL

Component	Value	Range
Alcohol	<10	<10 (mg/dL)

## O HOLD FOR ADDITIONAL ORDERS

Component	Value	Range
Tubes received	p	
Hold for orders	Specimen(s) held	

## O DRUG ABUSE SCREEN URINE

Component	Value	Range
Amphetamine scr ur	**Positive**	(>=1000 ng/mL)
Barbiturate scr ur	Negative	( <300 ng/mL)
Benzodiazepin scr ur	Negative	( <300 ng/mL)
Cocaine metabol ur	Negative	( <300 ng/mL)
Opiate scr urine	Negative	( <300 ng/mL)
Phencyclidine scr ur	Negative	( <25 ng/mL)
Cannabinoid scr ur	Negative	( <50 ng/mL)
Tricyclics ur	Negative	( <1000 ng/mL)

Comment  
Value:

Test results to be used for medical purposes only. Not intended for forensic or evidentiary purposes. If medically indicated, positive test results should be confirmed by other methods. A negative result means no drugs were detected at defined sensitivity limits. Test results should not be relied upon for purposes of employment and/or criminal prosecution.

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**H&P & Consult Notes (continued)**

ABG ph 7.32/pco2 36/po277/BE -6.69/HCO 19.5

**Lab data for transfer patient:**

**Imaging:**

**CXR: CONCLUSION:**

Multiple bullet fragments over the right axilla and right clavicle.  
Pulmonary opacity right upper lobe suspect pulmonary contusion. No  
intrathoracic bullet fragments  
No pneumothorax

**KUB: CONCLUSION:**

Multiple small metallic fragments to a bullet fragments over the  
midabdomen

Left forearm/elbow xray: Soft tissue bullet fragments and soft tissue injury.  
No skeletal injury and no involvement of the joint space

**Imaging data for transfer patient:**

CXR: consolidation in right upper lobe

CT Head FB in subcu tissue near vertex, no ICH or fx

CT Chest: Contusion RUL with bullae formation, no evidence of PNx. Multiple metallic fragments in the  
extrathoracic soft tissue of the right shoulder and upper chest region. Subcu abnl and skin breach posteriorly  
in the right upper chest region

CT Abdomen/Pelvis: abnormality in the left flank and posteriorly in the back subcu tissues at the level of the L3  
vertebral body. There is air along this tract as well as multiple small metallic fragments c/w with the gsw.  
Small amt of free air in the retroperitoneum w/o evidence of free fluid or organ injury. Fracture of the left  
transverse L3.

Abd xray: negative

**Radiology results discussed with radiologist? No**

**Radiology images reviewed personally on a viewing monitor? Yes**

**Injuries/Diagnoses/Problems and Plans:**

**Active Problems:**

ASSAULT-HANDGUN (2/10/2012)

OPEN WOUND ARM NOS-COMPL (2/10/2012)

OPEN WOUND OF TRUNK NEC (2/10/2012)

AC POSTHEMORRHAG ANEMIA (2/10/2012)

ALCOHOL ABUSE-UNSPEC (2/10/2012)

AMPHETAMINE ABUSE-UNSPEC (2/10/2012)

ACUTE PAIN DUE TO TRAUMA (2/10/2012)

LUNG CONTUSION-OPEN (2/10/2012)

OPEN WOUND OF BACK (2/10/2012)

OPEN WOUND LAT ABDOMEN-COMP, left flank, skin, subcut, towards back, paraspinal muscles.  
(2/10/2012)

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### H&P & Consult Notes (continued)

1. Back of head wound: wet/dry dressing changes
2. Right upper back wound irrigated in ED : it tracks thru right upper lung lobe: No apparent pneumothorax: Will monitor CXR. Will do dressing changes
3. Left flank wound: also irrigated and packed in ED: Continue dressing changes.
4. Left upper arm wound: continue dressing changes
5. Admit to ICU, respiratory support.
6. Pain control
- 7.

Cervical spine clearance: n/a, patient cleared at previous mason general, no cc on arrival

Which new diagnoses threaten organ function, organ viability or patient's life? Right upper lung contusion

Pre-existing diagnoses that are being addressed during this admission or are risk factors for this admission: none

Are pre-existing diagnoses a risk to organ function, viability or life? no

Discussion with consultants: none

Additional Plans: See above

Critical care time: 35 minutes

Thomas J Ferrer, MD

Consults signed by Angela Ruotsi, RD at 02/11/12 0546

Author: Angela Ruotsi, RD	Service: (none)	Author Type: Dietitian
Filed: 02/11/12 0546	Note Time: 02/11/12 0545	

#### Consult Orders:

1. O CONSULT/ASSESSMENT TO NUTRITION SVCS [123049072] ordered by Thomas Ferrer, MD at 02/10/12 1427

### Nutrition Review

Consult received due to a low Braden score (was 18, now 19). Pt is on a full liquid diet. High kcal supplements/shakes added to meal trays to help increase intake.

A full nutrition assessment isn't warranted at this time. The Braden score has been lowered by mobility, friction, activity and sensory deficits, not nutritional deficits.

Diet technician will re-screen this patient per our Nutrition Screening Policy.

Angela Ruotsi, RD

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## All Meds and Administrations

tetanus, diphtheria, acellular pertussis vaccine (ADACEL) 5-2-15.5 LF-MCG/0.5 inj 0.5 mL [123047728]

Status: Discontinued (Past End Date/Time)

Ordered On: 02/10/12 0112 by Cynthia Smith, PA-C

Starts/Ends: 02/11/12 0900 - 02/10/12 0115

Dose (Remaining/Total): 0.5 mL (1/1)

Frequency: NEXT DAY VACCINE

Route: Intramuscular

Rate/Duration: - / -

Admin Instructions: Administer IM only in deltoid muscle of upper arm

Comments:

(No admins scheduled or recorded for this medication)

cefAZOLIn (ANCEF) 2 g in sterile water 20 mL IV syringe [123047729]

Status: Discontinued (Past End Date/Time),  
Reason: Change to a different formulation of  
the same drug

Ordered On: 02/10/12 0113 by Cynthia Smith, PA-C

Starts/Ends: 02/10/12 0115 - 02/10/12 0149

Dose (Remaining/Total): 2 g (1/1)

Frequency: ONCE

Route: Intravenous

Rate/Duration: 60 mL/hr / 20 Minutes

Admin Instructions: Can give IV push over 5 minutes if required.

Comments:

Administration

Status

Dose

Route

Site

Given By

02/10/12 0115

Canceled  
Entry

Intravenous

Robyn G Cleaves, RN

tetanus, diphtheria, acellular pertussis vaccine (ADACEL) 5-2-15.5 LF-MCG/0.5 inj 0.5 mL [123047730]

Status: Completed (Past End Date/Time)

Ordered On: 02/10/12 0115 by Cynthia Smith, PA-C

Starts/Ends: 02/10/12 0200 - 02/10/12 0200

Dose (Remaining/Total): 0.5 mL (0/1)

Frequency: ONCE

Route: Intramuscular

Rate/Duration: - / -

Admin Instructions: Administer IM only in deltoid muscle of upper arm

Comments:

Administration

Status

Dose

Route

Site

Given By

02/10/12 0200

Given

0.5 mL

Intramuscular

Left Deltoid

Robyn G Cleaves, RN

morphine inj 2 mg [123047734]

Status: Completed (Past End Date/Time)

Ordered On: 02/10/12 0130 by Thomas Ferrer, MD

Starts/Ends: 02/10/12 0145 - 02/10/12 0130

Dose (Remaining/Total): 2 mg (0/1)

Frequency: ONCE

Route: Intravenous

Rate/Duration: - / -

Admin Instructions:

Comments:

Administration

Status

Dose

Route

Site

Given By

02/10/12 0130

Given

2 mg

Intravenous

Robyn G Cleaves, RN

Comments: rac

saline flush (NS) 0.9% NaCl inj 10 mL [123047735]

Status: Discontinued (Past End Date/Time),  
Reason: Patient dischargedTACOMA GENERAL HOSPITAL  
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IVIE, Martin (MR # 2983220)

## All Meds and Administrations (continued)

Ordered On: 02/10/12 0131 by Thomas Ferrer, MD  
 Dose (Remaining/Total): 10 mL (-/-)  
 Route: Intravenous  
 Admin Instructions:

Starts/Ends: 02/10/12 0131 - 02/12/12 1804  
 Frequency: PRN  
 Rate/Duration: - / -  
 Comments:

Administration	Status	Dose	Route	Site	Given By
02/10/12 0459	Given \$	10 mL	Intravenous		Pamela Hardin, RN
02/10/12 0445	Given \$	30 mL	Intravenous		Pamela Hardin, RN
02/10/12 0256	Given \$	10 mL	Intravenous		Robyn G Cleaves, RN
02/10/12 0254	Given \$	10 mL	Intravenous		Robyn G Cleaves, RN
02/10/12 0204	Given \$	10 mL	Intravenous		Robyn G Cleaves, RN
02/10/12 0159	Given \$	10 mL	Intravenous		Robyn G Cleaves, RN

## 0.9 % NaCl (NS) infusion soln [123047736]

Status: Completed (Past End Date/Time)

Ordered On: 02/10/12 0132 by Thomas Ferrer, MD  
 Dose (Remaining/Total): - (0/1)  
 Route: Intravenous  
 Admin Instructions:

Starts/Ends: 02/10/12 0145 - 02/10/12 0200  
 Frequency: ONCE  
 Rate/Duration: 1,000 mL/hr / -  
 Comments:

Administration	Status	Dose	Route	Site	Given By
02/10/12 0200	End of Infusion Rate: 0 mL/hr Reason: Therapy Completed	0 mL	Intravenous		Robyn G Cleaves, RN
02/10/12 0100	New Bag/Bottle e/Cartridge e \$ Rate: 1,000 mL/hr Comments: rac		Intravenous		Robyn G Cleaves, RN

## cefAZOLin (ANCEF) 2 g in dextrose (D5W) 5 % 100 mL IV piggyback [123047737]

Status: Completed (Past End Date/Time)

Ordered On: 02/10/12 0150 by Cynthia Smith, PA-C  
 Dose (Remaining/Total): 2 g (0/1)  
 Route: Intravenous  
 Admin Instructions:

Starts/Ends: 02/10/12 0200 - 02/10/12 0200  
 Frequency: ONCE  
 Rate/Duration: 300 mL/hr / 20 Minutes  
 Comments:

Administration	Status	Dose	Route	Site	Given By
02/10/12 0230	End of Infusion Rate: 0 mL/hr Reason: Therapy Completed	0 g	Intravenous		Robyn G Cleaves, RN
02/10/12 0200	Given \$ Rate: 300 mL/hr Comments: lac	2 g	Intravenous		Robyn G Cleaves, RN

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## All Meds and Administrations (continued)

0.9 % NaCl (NS) infusion soln [123047739]

Status: Verified (Past End Date/Time)

Ordered On: 02/10/12 0221 by Thomas Ferrer, MD

Starts/Ends: 02/10/12 0230 - 02/10/12 1429

Dose (Remaining/Total): - (0/1)

Frequency: ONCE

Route: Intravenous

Rate/Duration: 200 mL/hr / -

Admin Instructions:

Comments:

Administration	Status	Dose	Route	Site	Given By
02/10/12 0205	New		Intravenous		Robyn G Cleaves, RN
	Bag/Bottle/Cartridge				
	\$				
	Rate: 200 mL/hr				
	Comments: rac				

saline flush (NS) 0.9% NaCl inj 5-80 mL [123047746]

Status: Discontinued (Past End Date/Time),

Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD

Starts/Ends: 02/10/12 0600 - 02/12/12 1804

Dose (Remaining/Total): 5-80 mL (-/-)

Frequency: Q8H

Route: Intravenous

Rate/Duration: - / -

Admin Instructions:

Comments:

Administration	Status	Dose	Route	Site	Given By
02/12/12 1400	Due				
02/12/12 0600	Canceled Entry		Intravenous		Oliver N Medina, RN
02/12/12 0057	Given \$	10 mL	Intravenous		Oliver N Medina, RN
02/11/12 2200	Canceled Entry		Intravenous		Lori A Hirayama, RN
02/11/12 1409	Given \$	10 mL	Intravenous		Sharon Flateland, RN
02/11/12 0600	Canceled Entry		Intravenous		Oliver N Medina, RN
02/11/12 0019	Given \$	10 mL	Intravenous		Oliver N Medina, RN
02/10/12 2200	Canceled Entry		Intravenous		Lori A Hirayama, RN
02/10/12 1520	Given \$	10 mL	Intravenous		Misty D Crouch, RN
02/10/12 0600	Canceled Entry		Intravenous		Robyn G Cleaves, RN

docusate sodium (COLACE) capsule 100 mg [123047747]

Status: Discontinued (Past End Date/Time),

Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD

Starts/Ends: 02/10/12 0900 - 02/12/12 1804

Dose (Remaining/Total): 100 mg (-/-)

Frequency: BID

Route: Oral

Rate/Duration: - / -

Admin Instructions: Hold for diarrhea

Comments:

Administration	Status	Dose	Route	Site	Given By
02/12/12 0844	Given \$	100 mg	Oral		Sharon Flateland, RN
02/11/12 2012	Given \$	100 mg	Oral		Lori A Hirayama, RN

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## All Meds and Administrations (continued)

02/11/12 0915	Given \$	100 mg	Oral	Sharon Flateland, RN
02/10/12 2049	Given \$	100 mg	Oral	Meghan de Luca, RN
02/10/12 0900	Canceled	100 mg	Oral	Misty D Crouch, RN
	Entry			
02/10/12 0755	Given \$	100 mg	Oral	Misty D Crouch, RN

bacitracin-neomycin-polymyxin (TRIPLE ANTIBIOTIC) 3.5-400-5000  
ointment 1 Application [123047748]

Status: Discontinued (Past End Date/Time),  
Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD	Starts/Ends: 02/10/12 0208 - 02/12/12 1804
Dose (Remaining/Total): 1 Application (-/-)	Frequency: PRN
Route: External	Rate/Duration: -/-
Admin Instructions:	Comments:

(No admins scheduled or recorded for this medication)

0.9 % NaCl (NS) infusion soln [123048985]

Status: Discontinued (Past End Date/Time),  
Reason: Discontinued by provider

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD	Starts/Ends: 02/10/12 0230 - 02/10/12 1717
Dose (Remaining/Total): - (-/-)	Frequency: CONTINUOUS
Route: Intravenous	Rate/Duration: 150 mL/hr / -
Admin Instructions:	Comments:

Administration	Status	Dose	Route	Site	Given By
02/10/12 0312	Left to Count		Intravenous		Robyn G Cleaves, RN
	Rate: 150 mL/hr				
	Comments: cont to floor				
02/10/12 0230	Rate Change		Intravenous		Robyn G Cleaves, RN
	Rate: 150 mL/hr				
	Comments: rac				

morphine inj 1-5 mg [123048986]

Status: Discontinued (Past End Date/Time),  
Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD	Starts/Ends: 02/10/12 0221 - 02/12/12 1804
Dose (Remaining/Total): 1-5 mg (-/-)	Frequency: Q2H PRN
Route: Intravenous	Rate/Duration: -/-
Admin Instructions:	Comments:

Administration	Status	Dose	Route	Site	Given By
02/10/12 1650	Given \$	2 mg	Intravenous		Misty D Crouch, RN
02/10/12 0756	Given \$	2 mg	Intravenous		Misty D Crouch, RN
02/10/12 0459	Given \$	4 mg	Intravenous		Pamela Hardin, RN
02/10/12 0255	Given \$	4 mg	Intravenous		Robyn G Cleaves, RN
	Comments: rac				

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## All Meds and Administrations (continued)

cefAZOLin in 100 mL NS (ANCEF, KEFZOL) IV piggyback 1 g  
[123048987]

Status: Completed (Past End Date/Time)

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD	Starts/Ends: 02/10/12 1000 - 02/10/12 1745
Dose (Remaining/Total): 1 g (0/2)	Frequency: Q8S
Route: Intravenous	Rate/Duration: 300 mL/hr / 20 Minutes
Admin Instructions: For immediate use only. Label with patient ID label and date; Spike antibiotic vial with Minibag Plus 100 mL NS bag's port adapter. Mix thoroughly to dissolve. Invert bag, squeeze air into vial and allow dissolved contents to flow into piggy back for infusion.	Comments:

Administration	Status	Dose	Route	Site	Given By
02/10/12 1745	Given \$	1 g	Intravenous		Misty D Crouch, RN
		Rate: 300 mL/hr	Duration: 20 Minutes		
02/10/12 1000	Given \$	1 g	Intravenous		Misty D Crouch, RN
		Rate: 300 mL/hr	Duration: 20 Minutes		

dalteparin (FRAGMIN) 25,000 units/mL in] 5,000 Units [123048988]

Status: Discontinued (Past End Date/Time),  
Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD	Starts/Ends: 02/10/12 0900 - 02/12/12 1804
Dose (Remaining/Total): 5,000 Units (-/-)	Frequency: DAILY
Route: Subcutaneous	Rate/Duration: -/-
Admin Instructions:	Comments:

Administration	Status	Dose	Route	Site	Given By
02/12/12 0844	Given \$	5,000 Units	Subcutaneous		Sharon Flateland, RN
02/11/12 0915	Given \$	5,000 Units	Subcutaneous		Sharon Flateland, RN
02/10/12 0900	Canceled Entry	5,000 Units	Subcutaneous		Misty D Crouch, RN
02/10/12 0754	Given \$	5,000 Units	Subcutaneous	Abdomen RLQ	Misty D Crouch, RN

ondansetron (ZOFTRAN) 2 mg/mL in] 4 mg [123048989]

Status: Discontinued (Past End Date/Time),  
Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD	Starts/Ends: 02/10/12 0222 - 02/12/12 1804
Dose (Remaining/Total): 4 mg (-/-)	Frequency: Q6H PRN
Route: Intravenous	Rate/Duration: -/-
Admin Instructions: Use as first line therapy for nausea and vomiting	Comments:

(No admins scheduled or recorded for this medication)

oxycodone-acetaminophen (PERCOCET 5-325) 5-325 MG tablet 1-2  
Tab [123048990]Status: Discontinued (Past End Date/Time),  
Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD	Starts/Ends: 02/10/12 0222 - 02/12/12 1804
Dose (Remaining/Total): 1-2 Tab (-/-)	Frequency: Q4H PRN
Route: Oral	Rate/Duration: -/-

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IVIE, Martin (MR # 2983220)

## All Meds and Administrations (continued)

Admin Instructions: Do not exceed acetaminophen 4 grams/day from all sources

Comments:

Administration	Status	Dose	Route	Site	Given By
02/12/12 1356	Given \$	2 Tab	Oral		Eri Agee, RN
02/12/12 1034	Given \$	2 Tab	Oral		Sharon Flateland, RN
02/12/12 0638	Given \$	2 Tab	Oral		Oliver N Medina, RN
02/12/12 0056	Given \$	2 Tab	Oral		Oliver N Medina, RN
02/11/12 2012	Given \$	2 Tab	Oral		Lori A Hirayama, RN
02/11/12 1621	Given \$	2 Tab	Oral		Lori A Hirayama, RN
02/11/12 0544	Given \$	2 Tab	Oral		Oliver N Medina, RN
02/11/12 0018	Given \$	2 Tab	Oral		Oliver N Medina, RN
02/10/12 1322	Given \$	2 Tab	Oral		Misty D Crouch, RN
02/10/12 0755	Given \$	2 Tab	Oral		Misty D Crouch, RN

ranitidine (ZANTAC) tablet 150 mg [123048991]

Status: Discontinued (Past End Date/Time).  
Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD  
Dose (Remaining/Total): 150 mg (-/-)  
Route: Oral  
Admin Instructions:

Starts/Ends: 02/10/12 0900 - 02/12/12 1804  
Frequency: BID  
Rate/Duration: - / -  
Comments:

Administration	Status	Dose	Route	Site	Given By
02/12/12 0844	Given \$	150 mg	Oral		Sharon Flateland, RN
02/11/12 2012	Given \$	150 mg	Oral		Lori A Hirayama, RN
02/11/12 0915	Given \$	150 mg	Oral		Sharon Flateland, RN
02/10/12 2049	Given \$	150 mg	Oral		Meghan de Luca, RN
02/10/12 0900	Given \$	150 mg	Oral		Misty D Crouch, RN
02/10/12 0000	Given \$	150 mg	Oral		Misty D Crouch, RN

nicotine (NICODERM-CQ) 21 MG/24HR patch 1 Patch [123048992]

Status: Discontinued (Past End Date/Time).  
Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer, MD  
Dose (Remaining/Total): 1 Patch (-/-)  
Route: Transdermal  
Admin Instructions: Apply patch to a non-hairy, clean, dry skin area.

Starts/Ends: 02/10/12 0900 - 02/12/12 1804  
Frequency: DAILY  
Rate/Duration: - / -  
Comments:

Administration	Status	Dose	Route	Site	Given By
02/12/12 0840	Given \$	1 Patch	Transdermal		Sharon Flateland, RN
02/11/12 0915	Given \$	1 Patch	Transdermal		Sharon Flateland, RN
02/10/12 0900	Canceled Entry	1 Patch	Transdermal		Misty D Crouch, RN
02/10/12 0754	Given \$	1 Patch	Transdermal		Misty D Crouch, RN

lorazepam (ATIVAN) tablet 0.5 mg [123048993]

Status: Discontinued (Past End Date/Time).

TACOMA GENERAL HOSPITAL  
315 Martin Luther King Jr Way  
Tacoma, WA 98415-0299  
EMR H v3.1

IVIE, MARTIN  
MRN: 2983220  
DOB: , Sex: M  
Adm: 2/10/2012, D/C: 2/12/2012  
Printed by 46530 at 2/21/12 11:54 AM

IVIE, Martin (MR # 2983220)

12 - 738

## All Meds and Administrations (continued)

Reason: Patient discharged

Ordered On: 02/10/12 0226 by Thomas Ferrer

Dose (Remaining/Total): 0.5 mg (-/-)

Route: Oral

Admin Instructions:

(No admins scheduled or recorded for this me

0.9 % NaCl 1,000 mL with multivitamins (adult) inj 10 mL, thiamine 100 mg, folic acid 1 mg, magnesium sulfate 1 g IV solution [123049059]

Status: Completed (Past End Date/Time)

Ordered On: 02/10/12 1234 by James I Martin, PA-C

Starts/Ends: 02/10/12 1500 - 02/10/12 1520

Dose (Remaining/Total): - (0/1)

Frequency: ONCE

Route: Intravenous

Rate/Duration: 250 mL/hr / -

Admin Instructions:

Comments:

Administration	Status	Dose	Route	Site	Given By
02/10/12 2108	End of Infusion		Intravenous		Meghan de Luca, RN
	Rate: 0 mL/hr				
	Reason: Therapy Completed				
02/10/12 1520	New		Intravenous		Misty D Crouch, RN
	Bag/Bottle/Cartridge				
	e \$				
	Rate: 250 mL/hr				

lorazepam (ATIVAN) 2 mg/mL inj 2-4 mg [123049060]

Status: Discontinued (Past End Date/Time)

Reason: Patient discharged

Ordered On: 02/10/12 1234 by James I Martin, PA-C

Starts/Ends: 02/10/12 1234 - 02/12/12 1804

Dose (Remaining/Total): 2-4 mg (-/-)

Frequency: Q1H PRN

Route: Intravenous

Rate/Duration: - / -

Admin Instructions: Give dose based on CIWA-Ar Score:

Comments:

CIWA-Ar Score Lorazepam Dose

10-14 2 mg

15-19 3 mg

Greater than

or = to 20 4 mg and Notify Provider

Notify Provider if CIWA-Ar score remains above 15 after 3 hours. Hold dose and notify provider if MAAS score less than or equal to 2 or RR less than or equal to 8. Discontinue when CIWA-Ar score less than 10 for 24 hours.

(No admins scheduled or recorded for this medication)

Influenza vaccine, inactivated (&gt;= 36 months of age) (FLUZONE PF) Inj 0.5 mL [123049071]

Status: Completed (Past End Date/Time)

TACOMA GENERAL HOSPITAL  
315 Martin Luther King Jr Way  
Tacoma, WA 98415-0299  
EMR H v3.1

IVIE, MARTIN  
MRN: 2983220

DOB: , Sex: M

Adm: 2/10/2012, D/C: 2/12/2012

Printed by 46530 at 2/21/12 11:54 AM

IVIE, Martin (MR # 2983220)

## All Meds and Administrations (continued)

Ordered On: 02/10/12 1309 by Thomas Ferrer, MD  
Dose (Remaining/Total): 0.5 mL (0/1)  
Route: Intramuscular  
Admin Instructions:

Starts/Ends: 02/11/12 0900 - 02/11/12 0915  
Frequency: NEXT DAY VACCINE  
Rate/Duration: - / -  
Comments:

Administration	Status	Dose	Route	Site	Given By
02/11/12 0915	Given \$	0.5 mL	Intramuscular		Sharon Flateland, RN

TACOMA GENERAL HOSPITAL  
315 Martin Luther King Jr Way  
Tacoma, WA 98415-0299  
EMR H v3.1

IVIE, MARTIN  
MRN: 2983220  
DOB: , Sex: M  
Adm: 2/10/2012, D/C: 2/12/2012  
Printed by 46530 at 2/21/12 11:54 AM



HAIGH VETERINARY HOSPITAL INC., P.S.  
 KATHRYN M. HAIGH, DVM  
 GARY HAIGH, DVM  
 81 S.E. WALKER PARK RD.  
 P.O. BOX 819 426-1840  
 SHELTON, WA 98584  
 Forwarding and Address Correction Requested

Marx Barbara Shane  
 Ivie, Marty  
 ①

PHONE (360) 229-6154					JAN.	0
BREED	SEX	AGE	NAME	COLOR	FEB.	1
Pitbull/bul	M/I	2yr	Shane	brn	MAR.	2
RABIES		DIS. - HEP.			APR.	3
					MAY	4
					JUN.	5
					JUL.	6
					AUG.	7
					SEP.	8
					OCT.	9
					NOV.	
					DEC.	
DATE	DIAGNOSIS - TREATMENT			CHARGE		
2-14-12	55# T 100.8 PXXV wounds 3-4 days old Possible gun shot + car accident. cut on left side of neck + L + chest Doesn't look like a Bullet wound but I would need to clip up to know more. Declined surgical suturing, x-rays Due to cost! Amoxicillin 450mg BID q 6 hr (all they can afford). Should be monitored very closely.					
6-7-12	WT 56# T 100 PXX Patient was involved in potential shooting and car accident just prior to 2/14/12. On Px on that date Gary Haigh, DVM did not think that the wounds looked like gun shots. Gary Haigh recommended clipping up wounds, x-Rys of p to determine if bullets are present and surgery to close wounds. At that time declined any diagnostics but was dispensed amoxicillin antibiotics for treatment of wounds. Today p is in hospital to check for bullets lodged in neck area or hind end. Court has authorized \$500 for diagnostics (x-Rys) of potential bullet wounds. On Px today p is BAR. Heart and lungs auscult normally. mucous pink moist with a CRT < 2sec. Abdomen palpates normally. Scars present on left side of neck and on dorsal midline just cranial to the tail base. Patient has alopecia present on first 1/3 of tail, potential FBA. No high quality (cont'd)					

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SUPPLEMENTAL TREATMENT AND  
 MULTIPLE PATIENT RECORD

6/25 X 10 - 132  
 5-2045 REV.

HAIGH VETERINARY HOSPITAL INC., PS  
KATHRYN M. HAIGH DVM  
GARY HAIGH DVM  
81 S.E. WALKER PARK RD.  
P.O. BOX 819 420-1840  
SHELTON, WA 98584

Forwarding and Address Correction Requested

Marx + Barbara  
Ivie + Marty (2)  
Shane

PHONE (360) 229-6154

BREED	SEX	AGE	NAME	COLOR
Pit Bull / Blue Heeler	M/I	2 yr.	Shane	brown
DIS.	REF.			

DATE	DIAGNOSIS - TREATMENT	CHARGE
6/7/12	(Cont.) the control monthly. Patient also has mild to moderate Red/yellow ear debris present Right > Left. Rec otomax ear drops for 2 weeks followed by one a week thereafter. Rec yearly vaccines, yearly dewormer and renewed ventrering. Patient's Plan: Bullet check x-rays neck area at potential. Abdomen will watch cost and keep bill under \$500. Old Sedation for x-rays if needed.	
6-8-12	rx otomax 15g	
6/11/12	left message with attorney Jim Foley to discuss Radiology report. Told attorney to call back in order to setup time to review Rpt.	
6/11/12	Dr. Report report 6/8/12: Abdomen: mildly enlarged spleen, unremarkable liver. Normal urinary bladder. Incompletely visualized, probably not enlarged, kidneys. Mild thickening of the small intestinal wall. No evidence of alimentary stasis or significant foreign material. unremarkable visible portions of the colon and stomach. Splenomegaly, unremarkable liver. Multiple small irregularly-shaped metallic opacities along the left dorsolateral aspect of the cranial abdominal and cranial thoracic soft tissues, largely to the left of midline, possibly representing foreign projectate fragments. Thorax: Probably normal heart size and shape. No pulmonary parenchymal, pulmonary vascular, bronchial, diaphragmatic, pleural space, chest wall, or caudal vena cava distended or compressed.	

JAN.	0
FEB.	1
MAR.	2
APR.	3
MAY	4
JUN.	5
JUL.	6
AUG.	7
SEP.	8
OCT.	9
NOV.	
DEC.	

Small White Dog

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SUPPLEMENTAL TREATMENT AND  
MULTI-PATIENT F ORD

6.25 x 10 - 75  
132  
5-26 REV

(Accepted)

HAIGH VETERINARY HOSPITAL INC., P.S.  
 KATHRYN M. HAIGH, DVM  
 GARY HAIGH, DVM  
 81 S.E. WALKER PARK RD.  
 P.O. BOX 819 426-1840  
 SHELTON, WA 98584  
 Forwarding and Address Correction Requested

Max, Barbara  
 Ivie, Marty  
 (3)

PHONE					JAN.	0
BREED	SEX	AGE	NAME	COLOR	FEB.	1
Pit Bull/Blue	m	2yr.	Shane	brown	MAR.	2
RAHFEEDER			DIS. - HEP.		APR.	3
					MAY	4
					JUN.	5
					JUL.	6
					AUG.	7
					SEP.	8
					OCT.	9
					NOV.	
					DEC.	

DATE	DIAGNOSIS - TREATMENT	CHARGE
6/1/12	<p>Do. Root (Cont.) Severed irregularly-shaped and variably sized metallic fragments present within the soft tissues at the paravertebral aspect of the thorax the largest of which approximates 1cm in length and 1cm in maximum width. Debr. consideration must include a portion of a fragmented metal jacketed firearms projectile.</p> <p>General Soft tissues: Abnormalities irregularly-shaped "shrapnel" opacity noted at the caudolateral aspect of the dorsal cervical region. Severed other smaller regional opacities noted only in the lateral projection between the cervical vertebral column and the craniodorsal aspect of the trachea. Multifragmented firearms projectile present at the level of the caudal portion of the junction of the horizontal and vertical ramus of the left mandible. Fluid-opacity 3x4cm mass present in the craniodorsal cervical region, between the larynx and cranial cervical vertebrae (granular? other?).</p> <p>Recommendations: If more precise localization of suspect firearms projectile fragments is considered necessary, consider computed tomographic assessment.</p> <p>Note: Direction of the suspected gunshot wounds cannot be determined radiographically. Fragmentation of suspected firearms projectiles likely precludes transverse assessment. There appear to be several small interstitial screen artifacts in these images, which should not be misinterpreted as metallic fragments.</p>	

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SUPPLEMENTAL TREATMENT AND  
 MULTIPLE PATIENT RECORD

6.25 x 10 - 75  
 132  
 S-20'S REV.

HAIGH VETERINARY HOSPITAL INC., P.S.  
KATHRYN E. DVM  
GARY E. DVM  
81 S.E. WA... PK RD.  
P.O. BOX 614 426 1840  
SHELTON, WA 98584

Forwarding and Address Correction Requested

Marx + Barbara  
Ivie + Mary  
(4)

PHONE (360) 229-6154						JAN.	0
BREED	SEX	AGE	NAME	COLOR		FEB.	1
Pit Bull / Blue KABE breeder	m/f	2yr.	Shane	brown		MAR.	2
						APR.	3
						MAY	4
						JUN.	5
						JUL.	6
						AUG.	7
						SEP.	8
						OCT.	9
						NOV.	
						DEC.	

DATE	(Cont'd)	DIAGNOSIS	TREATMENT	CHARGE
6/1/12	Discussed with Barbara Marx & Rg report. Rec. record of potential cervical lymphoid mass.			
6/11/12	L/m with Attorney Tim Foley. Explained that he wrote down wrong #. Will send x-rays and have them back on Wednesday.			
6/22/12	Addendum: At my request (Dr. Root), uniformly exposed images were made in the absence of an internal patient, with each of this clinic's 14x17" cassettes using low exposure factors, to delineate between a small screen artifact and the above-described metallic fragments. Secondary to a suspected gunshot wound in the above patient. Two small opacities are present in the central portion of the film, the largest of which is less than 1mm in width and is approximately 2.5mm in length. The smaller artifact is approximately 2mm in length and approximately 0.5mm in width; it is not seen in the patient's radiographs. With the film oriented identical to the radiographs of the patient, the larger artifact is approximately 17.3cm from the right edge of the film, approximately 18.1cm from the left edge of the film, approximately 16.1cm from the "bottom" of the film and approximately 26.5cm from the top of the film. These dimensions are consistent with the position of the artifact in this patient's images and with its position in radiographs of other patients produced at Alouette Vet Hosp. during the same week as the above patient.			

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SUPPLEMENTAL TREATMENT AND  
MULTIPLE PATIENT / ORD

6-21-10-75  
132  
REV.



HAIGH VETERINARY HOSPITAL INC. P.S.  
 KATHRYN M. HAIGH DVM  
 GARY HAIGH, DVM  
 81 S.E. WALKER PARK RD.  
 P.O. BOX 819 426-1840  
 SHELTON, WA 98584  
 Forwarding and Address Correction Requested

Marx - Shane  
 Iure - Barbara  
 (5)

PHONE 360-229-6154

BREED	SEX	AGE	NAME	COLOR	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.
Pit Bull/Heeler	M/F	2yr	Shane													
RABIES					DIS. - REF.											
DATE	DIAGNOSIS	TREATMENT	CHARGE													
6/22/12	(Dr Root) Continued - The smaller defect, which is not appreciated in the radiography of the patient, is approximately 14cm from the left edge of the film and approximately 13.5cm from the bottom edge of the film; Its absence in the patient's radiographs suggests that it is a new finding, and is unrelated to the issue before the court. Other opacities in the patient's images, in my opinion, are the result of the patient having sustained at least one gunshot wound. - Dr Root - Report.															
6/25/12	Forwarded complete Radiology report. To attorney Jim Foley #427-8443															
6/28/12	Private investigator Fred Doughty to pick-up the rest of the medical records, for p. Call # (360) 507-5306															

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SUPPLEMENTAL TREATMENT AND  
 MULTI-PATIENT RECORD

6-25x10 150  
 5-20x5x1

RADIOGRAPHIC INTERPRETATION SUMMARY  
**ANIMAL MEDICAL IMAGING**

425-419-4220

800-888-0197

Fax 425-949-8143

[amiradsin@animalmedicalimaging.com](mailto:amiradsin@animalmedicalimaging.com)

Date of request: 6/8/2012

Date of report: 6/8/2012

Requesting Veterinarian: Dr. Edward D. Haigh

Client's name: B. Marx

I.D.#:

Patient description: Species: Canine

Breed: Pitbull cross

Age: 2 yr

Sex: M

Name: Shane

**Radiographic impression:**

**ABDOMEN:** Mildly enlarged spleen. Unremarkable liver. Normal urinary bladder. Incompletely visualized, probably not enlarged, kidneys. Mild thickening of the small intestinal wall. No evidence of alimentary stasis or significant foreign material. Unremarkable visible portions of the colon and stomach. Splenomegaly. Unremarkable liver. Multiple small irregularly-shaped metallic opacities along the left dorsolateral aspect of the cranial abdominal and caudal thoracic soft tissues, largely to the left of the midline, possibly representing firearms projectile fragments.

**THORAX:** Probably normal heart size and shape. No pulmonary parenchymal, pulmonary vascular, bronchial, diaphragmatic, pleural space, chest wall, or cranial mediastinal lesions noted. Several irregularly-shaped and variably-sized metallic fragments present within the soft tissues at the craniolateral aspect of the thorax, the largest of which approximates 2 cm in length and 1 cm in maximum width. Differential diagnostic consideration must include a portion of a fragmented metal jacketed firearms projectile.

**CERVICAL SOFT TISSUES:** Aforementioned irregularly-shaped "shrapnel" opacity noted at the caudolateral aspect of the dorsal cervical region. Several other smaller regional opacities noted only in the lateral projection, between the cervical vertebral column and the craniodorsal aspect of the trachea. Multifragmented firearms projectile present at the level of the caudal portion of the junction of the horizontal and vertical rami of the left mandible. Fluid-opacity, 3 x 6 cm mass present in the craniodorsal cervical region, between the larynx and cranial cervical vertebra (granuloma? other?).

**Recommendations:**

If more precise localization of suspect firearms projectile fragments is considered necessary, consider computed tomographic assessment.

**Note:** Duration of the suspected gunshot wounds cannot be determined radiographically. Fragmentation of suspected firearms projectiles likely precludes conclusive forensic assessment. There appear to be several small intensifying screen artifacts in these images, which should not be misinterpreted as metallic fragments.

**ADDENDUM (6/22/12 - CRR)**

At my request, uniformly exposed images were made in the absence of an interposed patient, with each of this clinic's 14 x 17" cassettes, using low exposure factors, to delineate between a small screen artifact and the above-described metallic fragments secondary to a suspected gunshot wound in the above patient. Two small opacities are present in the central portion of the film, the largest of which is less than 1 mm in width and is approximately 2.5 mm in length. The smaller artifact is approximately 2 mm in length and approximately 0.5 mm in width; it is not seen in the patient's radiographs. With the film oriented identical to the radiographs of the patient, the former artifact is approximately 17.3 cm from the right edge of the film, approximately 18.1 cm from the left edge of the film, approximately 16.4 cm from the "bottom" of the film and approximately 26.5 cm from the top of the film. These dimensions are consistent with the position of the artifact in this patient's images and with its position in radiographic images of other patients produced at Haigh Veterinary Hospital during the same week as the above patient. The smaller defect, which is not appreciated in the radiographs of the patient, is approximately 14 cm from the left edge of the film and approximately 13.5 cm from the bottom edge of the film; its absence in the patient's radiographs suggests that it is a new finding, and is unrelated to the issue before the court. Other opacities in the patient's images, in my opinion, are the result the patient having sustained at least one gunshot wound.

A-46

*Charles D. Rott*  
In re Ivie, App.76



1  
2  
3  
4  
5 IN THE SUPERIOR COURT OF WASHINGTON  
6 FOR MASON COUNTY

7 State of Washington,

Case No.: 12-1-00064-6

8 Respondent/Plaintiff

9 v.

DECLARATION OF EDWARD HAIGH,  
D.V.M.

10 Martin S. Ivie,

11 Petitioner/Defendant  
12

13 I declare under penalty of perjury under the laws of the state of Washington that the  
14 following is true and correct.

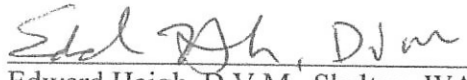
- 15 1) I received a Doctor of Veterinary Medicine degree in 2010 from Washington State  
16 University. I practice veterinary medicine at Haigh Veterinary Hospital in Shelton,  
17 WA with my parents, Gary and Kathryn Haigh, who are also Doctors of Veterinary  
18 Medicine.  
19  
20 2) The complete records of Haigh Veterinary Hospital's treatment of a canine named  
21 Shane in 2012 consist of five pages of hand-written chronological notes from  
22 February 14, 2012 through June 28, 2012 and a one-page summary report written by  
23 Charles Root, D.V.M., dated June 8, 2012 with an addendum on the same page dated  
24 June 22, 2012.  
25  
26

DECLARATION OF EDWARD HAIGH, D.V.M. - 1

CAMEL & CHANEY, P.S.  
2101 FOURTH AVENUE, SUITE 1900  
SEATTLE, WA 98121-2315  
(206) 624-1551

- 1 3) I have reviewed the five pages of chronological notes. The entry dated February 14,  
2 2012 was made by Gary Haigh, D.V.M. I made all of the subsequent entries. I have  
3 also reviewed the one-page Radiographic Interpretation Summary and Addendum  
4 written by Charles Root, D.V.M. The records are accurate.  
5
- 6 4) If I had been served with a subpoena to testify in the trial of State v. Ivie in Mason  
7 County Superior Court in 2012, I would have appeared and testified that the records  
8 regarding the Haigh Veterinary Hospital's diagnosis and treatment of Shane and the  
9 radiology report and addendum of Charles Root are accurate.  
10

11 DATED this 6<sup>th</sup> day of July, 2016.

12   
13 Edward Haigh, D.V.M., Shelton, WA

14  
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26  
DECLARATION OF EDWARD HAIGH, D.V.M. - 2

CAMEL & CLANEY, P.S.  
2101 FOURTH AVENUE, SUITE 1900  
SEATTLE, WA 98121-2315  
(206) 624-1551

1  
2  
3  
4  
5 IN THE SUPERIOR COURT OF WASHINGTON  
6 FOR MASON COUNTY

7 State of Washington,

Case No.: 12-1-00064-6

8 Respondent/Plaintiff

9 v.

DECLARATION OF CHARLES R. ROOT,  
D.V.M.

10 Martin S. Ivie,

11 Petitioner/Defendant  
12

13 I declare under penalty of perjury under the laws of the state of Washington that the  
14 following is true and correct.

- 15 1) I received a Bachelor of Science degree from Montana State College (now Montana  
16 State University) in 1964. I received a Doctor of Veterinary Medicine degree in 1966  
17 from Washington State University. I completed an Internship (14 months) and a  
18 Residency in Medicine (2 years) at the Animal Medical Center in New York City. I  
19 received a Master's Degree in Radiology Radiation and Biology in 1969 from  
20 Colorado State University, where I was an instructor. I was Board Certified by the  
21 American College of Veterinary Radiology (ACVR) in 1971. I have also taught  
22 Veterinary Radiology at the Ohio State University (as an assistant professor), at  
23 Louisiana State University (as an associate professor), and as a tenured professor of  
24  
25  
26

DECLARATION OF CHARLES R. ROOT, D.V.M. - I

CAMIEL & CHANEY, P.S.  
2101 FOURTH AVENUE, SUITE 1900  
SEATTLE, WA 98121-2315  
(206) 624-1551

In re Ivie, App. 79

1 Veterinary Radiology at Oklahoma State University. A copy of my Curriculum Vitae  
2 is attached to this declaration.

- 3
- 4 2) I have maintained a private practice in Washington State since mid-1984. I am  
5 available for consultation with veterinarians and (by referral only) with their clients,  
6 through my practice, Animal Medical Imaging, PLLC. I have served as an ACVR  
7 Council Member from 1975-1978 and 1996-1999. I served on the ACVR Examining  
8 Committee from 1976 through 1979 and was its chairman in 1979. I was president of  
9 the ACVR's Constitutional Review Committee in 1978. I served as chairperson of  
10 the Seattle-King County Veterinary Medical Association's South Snohomish County  
11 Chapter from 1985-1987, and was president of that organization from 1986-1987. I  
12 have also been active in the Washington State Veterinary Medical Association  
13 (WSVMA), having served on various committees since moving to Washington in  
14 1984, and was president of WSVMA from 1991-1992.
- 15
- 16 3) In 2012 I was asked by Edward D. Haigh, D.V.M., to interpret images taken at the  
17 Haigh Veterinary Clinic of a canine named Shane. I reviewed the images and wrote a  
18 report describing my "radiographic impression" on June 8, 2012. I noted in my  
19 "Recommendations" that "[i]f more precise localization of suspect firearms projectile  
20 fragments is considered necessary, consider computed tomographic assessment." On  
21 June 22, 2012 I reviewed "uniformly exposed images" from "each of this clinic's 14  
22 x 17" cassettes, using low exposure factors, to delineate between a small screen  
23 artifact and the above-described metallic fragments secondary to a suspected gunshot  
24 wound in the above patient. On that date, I explained my impressions on the same  
25  
26

DECLARATION OF CHARLES R. ROOT, D.V.M. - 2

CAMEL & CHANEY, P.S.  
2101 FOURTH AVENUE, SUITE 1900  
SEATTLE, WA 98121-2315  
(206) 624-1551

In re Ivie, App. 80

1 one-page report dated June 8, 2012 in a section entitled: "ADDENDUM (6/22/12 –  
2 CRR)."

- 3
- 4 4) My one-page report dated June 8, 2012 with the June 22, 2012 addendum is an  
5 accurate summary of my findings and opinion concerning canine Shane. As noted at  
6 the end of the Addendum section, the "opacities in the patient's images, in my  
7 opinion, are the result [of] the patient having sustained at least one gunshot wound."
- 8 5) By having additional uniformly exposed images made from the original X-rays, I was  
9 able to determine that the "several small intensifying screen artifacts in these images,  
10 which should not be misinterpreted as metallic fragments[,] are "unrelated to the  
11 issue before the court." The "small screen artifact" that appears in the patient's  
12 images is consistent in position and dimensions with the artifacts present "in  
13 radiographic images of other patients produced at Haigh Veterinary Hospital during  
14 the same week as the above patient [Shane]."
- 15 6) My impression from the X-ray images of Shane's abdomen was: "Multiple small  
16 irregularly-shaped metallic opacities along the left of the midline, possibly  
17 representing firearms projectile fragments."
- 18 7) My impression from the X-ray images of Shane's thorax was: "Several irregularly-  
19 shaped and variably-sized metallic fragments present within the soft tissues at the  
20 craniolateral aspect of the thorax, the largest of which approximates 2 cm in length  
21 and 1 cm in maximum width. Differential diagnostic consideration must include a  
22 portion of a fragmented metal jacketed firearms projectile."  
23  
24  
25  
26

1 8) My impression from the X-ray images of Shane's cervical soft tissues was:

2 "Aforementioned irregularly-shaped "shrapnel" opacity noted at the caudolateral  
3 aspect of the dorsal cervical region. Several other smaller regional opacities noted  
4 only in the lateral projection, between the cervical vertebral column and the  
5 craniodorsal aspect of the trachea. Multifragmented firearms projectile present at the  
6 level of the caudal portion of the junction of the horizontal and vertical rami of the  
7 left mandible. Fluid-opacity, 3 x 6 cm mass present in the craniodorsal cervical  
8 region, between the larynx and cranial cervical vertebra (granuloma? other?)."

9  
10  
11 9) If I had been served with a subpoena to testify in the trial of State v. Ivie in Mason  
12 County Superior Court in 2012, I would have appeared and testified consistently with  
13 my findings and my opinion that Shane had sustained at least one gunshot wound, as  
14 described in my June 8, 2012 report and June 22, 2012 addendum.

15 DATED this 8<sup>th</sup> day of August, 2016.

16  
17 

18 Charles R. Root, Bothell, WA, BS, DVM, MS, Dipl ACVR  
19  
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## *CURRICULUM VITAE*

**Name:** **Charles R. Root, B.S., D.V.M., M.S.**  
Diplomate, American College of Veterinary Radiology

**Date of Birth:**

**Social Security Number:** on file

**Family Status:** Married  
Children:

**Secondary Education:** Belgrade High School, 1960  
Belgrade, MT

**College:** B.S., Pre-medicine, 1964  
Montana State College  
Bozeman, MT

D.V.M., 1966  
Washington State University  
Pullman, WA

M.S., Radiology and Radiation Biology, 1969  
Colorado State University  
Ft. Collins, CO

**Honors:** Alpha Psi, Washington State University,  
February 1965  
Phi Kappa Phi, Colorado State University,  
August 1969  
Phi Zeta, Ohio State University,  
May 1972  
Washington State Veterinary Medical Association  
1990 Distinguished Service Award  
1998 Distinguished Service Award  
American Kennel Club

**Professional Development:**

Short Course in Ultrasound Diagnosis in Animals, College of Veterinary Medicine, Washington State University, Pullman, WA. June 8-10, 1981.

Short Course in Magnetic Resonance Imaging, Murray Soloman, M.D., San Francisco, CA. March 30-April 3, 1992.

Continuing Education Seminar in Large Animal Ultrasonography (assisted in laboratory portion of course), College of Veterinary Medicine, Washington State University, Pullman, WA. January 6-8, 1993.

Continuing Education Seminar in Small Animal Ultrasonography (assisted in laboratory portion of course), College of Veterinary Medicine, Washington State University, Pullman, WA. January 11-13, 1995.

Continuing Education Seminar in Small Animal Ultrasonography (assisted in laboratory portion of course), College of Veterinary Medicine, Washington State University, Pullman, WA. January 8-10, 1997.

**Academic and Professional Appointments:**

## Academic:

## Instructor

Department of Radiology and Radiation Biology  
College of Veterinary Medicine and Biomedical Sciences  
Colorado State University  
Ft. Collins, CO 80521  
January 1968 - September 1969

## Lecturer in Veterinary Radiography

University of Maine students in pursuit of the degree of  
Associate of Science in Animal Medical Technology  
The Animal Medical Center  
510 East 62nd Street  
New York, NY 10021  
February and April 1970

## Assistant Professor

Department of Veterinary Clinical Science  
College of Veterinary Medicine  
The Ohio State University  
Columbus, Ohio 43210  
February 1971 - June 1972

**Academic and Professional Appointments (continued):**

Academic (continued):

Assistant Clinical Professor  
Department of Radiological Sciences  
Veterinary Medical Teaching Hospital  
University of California  
Davis, CA 95616  
January 1973 - November 1974

Associate Professor of Veterinary Radiology  
Department of Veterinary Clinical Sciences  
Louisiana State University  
School of Veterinary Medicine  
Baton Rouge, LA 70803  
December 1974 - June 1979

Professor of Veterinary Radiology  
Department of Veterinary Clinical Sciences  
School of Veterinary Medicine  
Louisiana State University  
July 1979 - August 1983  
Baton Rouge, LA 70803

Professor of Veterinary Radiology  
Department of Medicine and Surgery  
College of Veterinary Medicine  
Oklahoma State University  
Stillwater, OK 74078  
August 1983 - June 1984

Professional:

Intern  
The Animal Medical Center  
510 East 62nd Street  
New York, NY 10021  
July 1966 - August 1967

Resident in Medicine  
The Animal Medical Center  
510 East 62nd Street  
New York, NY 10021  
September 1967 - December 1967

**Academic and Professional Appointments (continued):**

Professional (continued):

Visiting Resident

Department of Radiology and Radiation Biology

Colorado State University

Ft. Collins, CO 80521

January 1968 - June 1968

August 1968 - August 1969

Staff Radiologist and Resident in Medicine

The Animal Medical Center

510 East 62nd Street

New York, NY 10021

September 1969 - January 1971

Staff Radiologist

Section of Radiology

The Ohio State University Veterinary Clinic

Columbus, OH 43210

February 1971 - June 1972

Staff Radiologist

Santa Cruz Veterinary Hospital

2585 Soquel Drive

Santa Cruz, CA 95065

July 1972 - November 1974

Chief of Ancillary Services

Veterinary Teaching Hospital and Clinics

School of Veterinary Medicine

Louisiana State University

Baton Rouge, LA 70803

July 1976 - June 1979

Head of Radiology Service

Veterinary Teaching Hospital and Clinics

School of Veterinary Medicine

Louisiana State University

Baton Rouge, LA 70803

December 1974 - August 1983

**Academic and Professional Appointments (continued):**

## Professional (continued):

Chief of Radiology Section  
 Boren Veterinary Medical Teaching Hospital  
 Department of Medicine and Surgery  
 College of Veterinary Medicine  
 Oklahoma State University  
 Stillwater, OK 74078  
 August 1983 - June 1984

Veterinary Radiologist  
 Animal Medical Imaging  
 (formerly Animal Radiology and Radiography Service)  
 16390 Northwest 87th Street  
 Redmond, WA 98052      July '84 – January '05

11415 Northwest 129<sup>th</sup> Street, Suite 10  
 Kirkland, WA 98052      February '05 – September '10

22010 1<sup>st</sup> Place West  
 Bothell, WA 98021      October '10 - present

**State Licenses:**

California  
 Colorado  
 Louisiana  
 Montana  
 New York  
 Ohio  
 Oklahoma  
 Washington (currently valid)

**Professional Organizations:**

American College of Veterinary Radiology  
 American Veterinary Medical Association  
 Seattle - King County Veterinary Medical Assoc.  
 Snohomish County Veterinary Medical Association  
 Washington State Veterinary Medical Association  
 Washington Association for Biomedical Research  
 American Institute for Ultrasound in Medicine

**Offices Held:**

Educators in Veterinary Radiologic Science  
 Secretary; 1971, 1972

Monterey Bay Area Veterinary Medical Association  
 President, 1974

**Offices Held (continued):**

American College of Veterinary Radiology  
 Program Co-Chairman, 1975  
 Program Chairman; 1976, 1977  
 Council Member, 1975-1978, 1996-1999  
 Examining Committee, 1976-1979  
 Chairman, 1979  
 Chairman, Constitutional Review Committee, 1978  
 Committee to Evaluate National Board Questions,  
 1978-1985

Louisiana State University Forty-fifth Annual Conference for  
 Veterinarians, Cooperative Extension Service,  
 Small Animal Program Chairman, 1976

Louisiana Veterinary Medical Association Summer Meeting  
 Co-Chairman for Commercial Exhibits, 1976

Student Chapter of the American Veterinary Medical Association,  
 Louisiana State University,  
 Faculty Advisor, 1975-1982

American Animal Hospital Association  
 Louisiana State University  
 Faculty Liaison, 1975-1982

Seattle - King County Veterinary Medical Association  
 South Snohomish County Chapter Chairperson,  
 1985-1987  
 President Elect, 1986-1987  
 President, 1987-1988

Washington State Veterinary Medical Association (WSVMA)  
 Seattle - King County Representative, 1988-1989  
 Washington-Oregon-Idaho Veterinary Manpower  
 Committee (WOI Steering Committee),  
 1987-1992  
 Political Action Committee, 1988-1995  
 Long Range Planning Committee, 1988-1992  
 First Vice President, 1989-1990  
 President-Elect, 1990-1991  
 President, 1991-1992  
 Chairman, Animal Welfare Committee, 1992-1994  
 Membership Services Committee, 1994-1995  
 Editorial and Publications Committee, 1995-1998t  
 WSVMA Representative and Board of Directors  
 Washington Assoc. for Biomedical Research, 1993-1996



**Community Activities:**

Science Fair Judge

Louisiana State Science Fair

Senior Division, Earth Sciences;  
1977, 1978

Junior Division, Health & Microbiology;  
1979, 1981

Capital District Science Fair (Baton Rouge, LA)

Junior Division, Health & Microbiology;  
1979, 1981

Kenilworth Junior High School Science Fair

Health & Microbiology;  
1980, 1981

Baton Rouge Magnet High School Science Fair

Health & Microbiology;  
1981, 1983

Wildwood Elementary School (Baton Rouge, LA)

Parent-Teachers Association, 1977-1981  
Membership Chairman, 1977-1978

Louisiana State University Laboratory School

Parent-Teachers Association, 1977-1983

Stillwater (OK) Middle School Parent-Teachers Association,  
1983-1984

Stillwater (OK) Junior High School Parent-Teachers  
Association, 1983-1984

Kenmore (WA) Junior High School Parent-Teachers  
Association, 1984-1987

Inglemoor (WA) High School Parent-Teachers  
Association, 1984-1987

Bothell (WA) High School Parent-Teachers  
Association, 1987-1990

U.S. Coast Guard Auxiliary Flotilla 080-04-10  
1977-1983

Basically Qualified Member, 1977

Operationally Qualified, 1978

Materials Officer, 1978, 1979

Flotilla Vice-Commander, 1979, 1980

Information Services Officer, 1980

Vessel Examiner, 1981-1983

**Community Activities (continued):** U.S. Coast Guard Auxiliary Flotilla 130-02-02  
 Membership Transfer, 1984  
 Inactive Status, 1985

Baton Rouge Soccer Association  
 Assistant Coach Under 10/Boys, 1980-1982  
 Assistant Coach Under 12/Boys, 1982-1983  
 Coach Under 12/Girls, 1982-1983

Stillwater Parks and Recreation Soccer Program  
 Coach 6th & 7th grade boys, 1983  
 Coach 5th, 6th, & 7th grade girls, 1983

Stillwater YMCA Indoor Soccer Program  
 Coach 5th and 6th grade children, 1983

Stillwater Soccer Association  
 Charter Member, 1983

**Hobbies and Recreational Interests:** Racquetball  
 Coaching Youth Soccer (certified, levels E and F)  
 Boating  
 Salt Water Fishing  
 Collecting China Plates  
 Wood-working  
 Computers

**Thesis:** Angiocardiology and Angiology in Calves  
 Colorado State University  
 August 1969

**Research Interests:** Contrast Radiography of the Feline Gastrointestinal Tract  
  
 The Effects of Various Tranquilizers on  
 Gastrointestinal Motility in Dogs and Cats  
  
 Contrast Radiology of the Cardiovascular System  
  
 Clinicopathologic and Radiographic Correlation  
 of Lower Limb Skeletal Disease in Louisiana  
 Racing Thoroughbreds, Dr. Peter F. Haynes,  
 Investigator  
  
 Palmar Supracondylar Lysis of the Distal Third  
 Metacarpal Bones in Horses

**Research Interests (continued):**

Radiographic Aging of Louisiana River Otters

Heartworm Disease in Vivarium Dogs at  
Louisiana State University.

Normal Radiographic Anatomy of Louisiana River  
Otters

Hip Dysplasia in Maine Coon Cats

**University Committees:**

Louisiana State University System Radiation Protection Committee, 1974-1983  
Coordinator and Chairman, 1980-1983

Louisiana State University (Baton Rouge) Radiation Safety Committee, 1976-1977  
Secretary, 1976-1977

Louisiana State University School of Veterinary Medicine Health and Safety Committee, 1974-1980

Louisiana State University School of Veterinary Medicine Search Committee for Head of Department  
of Veterinary Clinical Sciences, 1975

Louisiana State University School of Veterinary Medicine Courses and Curriculum Committee,  
1976-1983

Louisiana State University School of Veterinary Medicine Year I Committee, 1975-1979 & 1981-1983  
Course Coordinator, VMED 5111 - Clinical Sciences I, 1976-  
1979  
Course Coordinator, VMED 5121 - Clinical Sciences II, 1976-  
1979  
Course Coordinator, VMED 5137 - Fundamentals of Medical  
Radiations I, 1981-1983  
Course Coordinator, VMED 5147 - Fundamentals of Medical  
Radiations II, 1981-1983

Louisiana State University School of Veterinary Medicine Year II Committee, 1975-1981  
Course Coordinator, VMED 5225 - Fundamentals of Medical  
Radiations, 1975-1981

Louisiana State University School of Veterinary Medicine Year III Committee, 1976-1983  
Co-coordinator, 1976-1977  
Coordinator, 1977-1983

Louisiana State University School of Veterinary Medicine Year IV Committee, 1976-1983  
Course Coordinator, VMED 5453 - Clinical Services Block,  
1976-1977  
Course Coordinator, VMED 5454 - Radiology Block,  
1977-1983

Louisiana State University School of Veterinary Medicine Veterinary Teaching Hospital and Clinics  
Advisory Committee, 1976-1979  
Chairman, 1976-1979

**University Committees (continued):**

Louisiana State University School of Veterinary Medicine Faculty Council, 1976-1978 & 1982-1983

Louisiana State University School of Veterinary Medicine Ad hoc Dean's Committee,  
Board of Regents Review of DVM Program, 1980

Louisiana State University School of Veterinary Medicine Ad hoc Administrative Committee for  
Review of the Department of Anatomy and Fine Structure, 1981-1982

Louisiana State University School of Veterinary Medicine Veterinary Clinical Sciences Departmental  
Tenured Faculty Ad hoc Committee on Faculty Unrest, 1982-1983

Louisiana State University School of Veterinary Medicine, Department of Veterinary Clinical Sciences,  
Faculty Peer Review Committee, 1982-1983

Oklahoma State University Radiological Safety Committee, 1983-1984

Oklahoma State University Boren Veterinary Medical Teaching Hospital Search Committee for Support  
Services Manager, 1983

Oklahoma State University Boren Veterinary Medical Teaching Hospital Search Committee for  
Veterinary Pharmacy Manager, 1983

Oklahoma State University Boren Veterinary Medical Teaching Hospital Advisory Committee,  
1983-1984

**Publications:**

Addendum I (Available on request)

**Curriculum Development:**

Addendum II (Available on request)

**Continuing Education Presentations:**

Addendum III (Continuing Education Presentations to Professional Groups)  
and

Addendum IV (Continuing Education Presentations to Non-Professional Groups)

(Both available on request)

## ADDENDUM I

## Publications

Root CR, and Morgan JP: Contrast Radiography of the Upper Gastro-intestinal Tract in the Dog. *J Small Anim Pract*, 10: 279, 1969.

Root CR, and Scott RC: Emphysematous Cystitis and Other Radiographic Manifestations of Diabetes Mellitus in Dogs and Cats. *J Am Vet Med Assoc*, 158:721, 1971.

Root CR, and Tashjian RJ: Thoracic and Abdominal Arteriography in Calves. *Am J Vet Res*, 32:1193, 1971.

Root CR, and Tashjian RJ: Ventriculography in Calves. *Am J Vet Res*, 32:1563, 1971.

Burt JK, and Root CR: Radiographic Manifestations of Abdominal Trauma. *J Am Anim Hosp Assoc*, 7:328, 1971.

Root CR, and Lord PF: Linear Radiolucent Gastrointestinal Foreign Bodies in Cats and Dogs: Their Radiographic Appearance. *J Am Vet Radiol Soc*, 12:45, 1971.

Root CR, and Lord PF: Peritoneal Carcinomatosis in the Dog and Cat: Its Radiographic Appearance. *J Am Vet Radiol Soc*, 12:54, 1971.

Root CR: Steatitis in Cats: Its Radiographic Appearance. *J Am Vet Radiol Soc*, 12:60, 1971.

Lord PF, Suter PF, Chan KF, Appleford M, and Root CR: Pleural, Extrapleural and Pulmonary Lesions in Small Animals: A Radiographic Approach to Differential Diagnosis. *J Am Vet Radiol Soc*, 13:4, 1972.

Root CR: Interpretation of Abdominal Survey Radiographs. *Vet Clin Amer*, 4:763, 1974.

Root CR: Abdominal Masses: The Radiographic Differential Diagnosis. *J Am Vet Radiol Soc*, 15:26, 1974.

Root CR: Contrast Radiography of the Alimentary Tract *in* Ticer, JW: Radiographic Technique in Small Animal Practice. WB Saunders Co, Philadelphia, 1975.

Root CR: Contrast Radiography of the Urinary System, *in* Ticer JW: Radiographic Technique in Small Animal Practice. WB Saunders Co, Philadelphia, 1975.

Heider L, Wyman M, Burt J, Root C, and Gardner H: Nasolacrimal Duct Anomaly in Calves. *J Am Vet Med Assoc*, 167:145, 1975.

## ADDENDUM I - page 2

## Publications (continued)

Root CR: Basics of Abdominal Radiographic Interpretation (Audio-Tape), Looking Listening Learning Radiology Seminar Series, Inc, Davis, CA 1977.

Stuart BP, Hoss HE, Root CR, and Short TR: Ischemic Myopathy Associated with Systemic Dirofilariosis, J Am Anim Hosp Assoc, 14:36, 1978.

Root CR: Cranial Abdominal Mass Lesions (Audio-Tape), Looking Listening Learning Radiology Seminar Series, Inc, Davis, CA, 1979.

Breitschwerdt EB, and Root CR: Inappropriate Secretion of Antidiuretic Hormone in a Dog, J Am Vet Med Assoc, 175:181, 1979.

Hulse DA, and Root CR: Management of Acetabular Fractures: Long-Term Evaluation. Compend Contin Educ Pract Vet, 2:179, 1980.

Hoskins JD, Malone JB, and Root CR: Albendazole Therapy in Naturally Occurring Feline Paragonimiasis, J Am Anim Hosp Assoc, 17:265, 1981.

Lindsay WA, Taylor SD, and Root CR: Proximodistal, Palmarodorsal LMO Radiography for Demonstration of an Abaxial Articular Fracture of the Medial Proximal Sesamoid Bone - What's Your Diagnosis? J Am Vet Med Assoc, 178:1090, 1981.

Hoskins JD, and Root CR: Feline Dirofilariosis - What's Your Diagnosis? J Am Vet Med Assoc, 179:489, 1981.

Carrig CB, Wortman JA, Morris EL, Blevins WE, Root CR, Hanlon GF, and Suter PF: Ectrodactyly (Split-Hand Deformity) in the Dog. Vet Radiol, 22:123, 1981.

Hoskins JD, Abdelbaki YZ, and Root CR: Urinary Bladder Duplication in a Dog. J Am Vet Med Assoc, 181:603, 1982.

Turk JR, Turk MAM, and Root CR: Necropsy of the canine heart: A technique for quantifying ventricular hypertrophy and alteration of normal valvular dimensions. Proc 25th An Assoc Vet Lab Diagnost, November:85, 1982.

Confer AW, Qualls CW, MacWilliams PS, and Root CR: Four cases of nodular eosinophilic granulomatosis in dogs. Cornell Vet, 73:41, 1983.

Turk JR, Turk MAM, Root CR, Gossett KA, Hribernik TN, and Fakier N: Naturally occurring Dirofilaria immitis infection, right ventricular hypertrophy, and pulmonary arterial lesions in Louisiana dogs. Proc 26th An Assoc Vet Lab Diagnost, October:249, 1983.



## ADDENDUM I - page 3

## Publications (continued)

Glickman LT, Grieve RB, Breitschwerdt EB, Mika-Grieve M, Patronek GJ, Domanski LM, and Root CR: Serologic pattern of canine heartworm (*dirofilaria immitis*) infection. *Am J Vet Res*, 45:1178, 1984.

Root CR: Contrast Radiology of the Alimentary Tract *in* Ticer JW: Radiographic Technique in Veterinary Practice, 2nd ed, WB Saunders Co, Philadelphia, 1984.

Root CR: Contrast Radiology of the Urinary System *in* Ticer JW: Radiographic Technique in Veterinary Practice, 2nd ed, WB Saunders Co, Philadelphia, 1984.

Root CR, and Bahr RJ: "The Thoracic Wall", Chapter 22 *in* Thrall DE: Veterinary Diagnostic Radiology, WB Saunders, Philadelphia, 1986.

Root CR, and Bahr RJ: "The Heart and Great Vessels", Chapter 26 *in* Thrall DE: Veterinary Diagnostic Radiology, WB Saunders, Philadelphia, 1986.

Root CR: "Abdominal Masses", Chapter 32 *in* Thrall DE: Veterinary Diagnostic Radiology, WB Saunders, Philadelphia, 1986.

Gossett KA, Root CR, Cleghorn B, Church GE, Turk JR, and Turk MAM: Effects of heartworm and intestinal parasitic infections on hematology and peripheral lymph node cytology in Louisiana dogs. *Vet Clin Pathol* 16:97, 1987.

Root CR, and Spaulding KA: Diagnostic Imaging in Companion Animal Theriogenology. *Semin Vet Med Surg (Sm Anim)* 9:7, 1994.

Root CR, and Bahr RJ: "The Thoracic Wall", Chapter 22, *in* Thrall DE: Veterinary Diagnostic Radiology, 2nd ed, WB Saunders, Philadelphia, 1995

Root CR, and Bahr RJ: "The Heart and Great Vessels", Chapter 26, *in* Thrall DE: Veterinary Diagnostic Radiology, 2nd ed, WB Saunders, Philadelphia, 1995.

Root CR: "Abdominal Masses", Chapter 32, *in* Thrall DE: Veterinary Diagnostic Radiology, 3rd ed, WB Saunders, Philadelphia, 1995.

Root CR, and Bahr RJ: "The Thoracic Wall", *in* Thrall DE: Textbook of Veterinary Diagnostic Radiology, 3rd ed, WB Saunders, Philadelphia. 1998.

Root CR, and Bahr RJ: "The Heart and Great Vessels", *in* Thrall DE: Textbook of Veterinary Diagnostic Radiology, 3rd ed, WB Saunders, Philadelphia. 1998.

## ADDENDUM I - page 4

## Publications (continued)

Root CR: "Abdominal Masses", *in* Thrall DE: Textbook of Veterinary Diagnostic Radiology, 3rd ed, WB Saunders, Philadelphia. 1998.

Root CR: Hip Dysplasia in Maine Coon Cats. In preparation.

## ADDENDUM II

### Curriculum Development; Autotutorial Study Guides

Introduction to Radiographic Interpretation

Radiography and Radiographic Osteology of the Thoracic Limb

Radiography and Radiographic Osteology of the Pelvic Limb

Radiography and Radiographic Osteology of the Vertebral Column

Radiography and Radiographic Anatomy of the Thorax of the Dog and Cat

Radiography and Radiographic Anatomy of the Abdomen of the Dog and Cat

Radiography and Radiographic Anatomy of the Skull; Dental Radiography

Review of Matter, Atomic Structure and Isotopes

Radioactivity and Radiations

Production of X rays

X-ray Circuitry

Interactions of Electromagnetic Radiations with Matter

Detection and Quantification of Ionizing Radiations - Gas Ionization

Detection and Quantification of Ionizing Radiations - Scintillation and Condensed-state Systems

Production of Biologic Damage by Radiation

Methods of Modifying Effects of Radiation in Organisms

Cell Cycle and Sensitivity to Radiation

Acute Pathologic Effects of Radiation

Late Pathologic Effects of Radiation

Radiation Safety in Veterinary Medicine

X-ray Tube-head Construction, Radiographic Equipment, Accessory Devices, Special Radiographic Equipment, and Radiation Protection

## ADDENDUM II - page 2

## Curriculum Development; Autotutorial Study Guides (continued)

Fundamentals of Radiographic Image Formation in Clinical Radiology X-ray Room and Darkroom  
 Radiographic and Darkroom Floorplans, Features, Equipment and Supplies; Standard Procedures

Radiographic Quality, Artifacts, and Technical Errors

Preparation and Utilization of a Technique Chart; Use of Various Radiographic Conversion Factors

Patient Positioning in Veterinary Radiography

Principles of Radiographic Interpretation

Nuclear Medicine

Radiation Therapy in Veterinary Medicine

Bones, Bone Formation, Fracture Terminology, and Fracture Healing

Radiography and Radiographic Signs of Diseases of the Upper Respiratory Tract of the Dog and Cat

Radiography and Radiographic Signs of Diseases of the Lower Respiratory Tract of the Dog and Cat

Radiography and Radiographic Signs of Diseases of the Pleura, Pleural Space, Mediastinum, Diaphragm, and Chest Wall of the Dog and Cat

Radiography and Radiographic Signs of Diseases of the Cardiovascular System of the Dog and Cat

Radiography and Radiographic Signs of Diseases of the Hemic-lymphatic System of the Dog and Cat

Radiography and Radiographic Signs of Diseases of the Musculoskeletal System of Dogs and Cats

Radiography and Radiographic Signs of Diseases of the Gastrointestinal Tract of Dogs and Cats

Radiography and Radiographic Signs of Diseases of the Urinary Bladder of the Dog and Cat

Radiography and Radiographic Signs of Diseases of the Upper Urinary System of the Dog and Cat

Radiography and Radiographic Signs of Diseases of the Genital Systems of the Dog and Cat

Radiography and Radiographic Signs of Prostatic and Urethral Diseases of the Dog and Cat

## ADDENDUM II - page 3

## Curriculum Development; Autotutorial Study Guides (continued)

Radiography and Radiographic Signs of Diseases of the Central Nervous System, Skull, and Spine of Dogs and Cats

Radiography and Radiographic Signs of Diseases of the Appendicular Skeleton of Horses

Radiography and Radiographic Signs of Diseases of the Musculoskeletal System of Cattle

Radiography and Radiology of Diseases of Cage Birds

Radiographic Differentiation of Abdominal Masses in Dogs and Cats

Contrast Radiography for the Companion Animal Practitioner

### ADDENDUM III

#### Continuing Education Presentations to Professional Groups

Lecture on Applied Angiocardiology (in conjunction with Larry Cohen, D.V.M.), 30th Annual Conference in Veterinary Medicine, Colorado State University, Ft. Collins, CO, August 1969

Lecture on Cardiac Radiology, Continuing Professional Program (Cardiology), Department of Veterinary Medicine, Colorado State University, Ft. Collins, CO, August 1969

Lecture on Radiology of the Skull and Spine in Dogs and Cats, Short Course in Veterinary Neurology (Dr. William Kay, Staff Neurologist), The Animal Medical Center, New York, NY, March 1970

Lecture on Veterinary Radiology, Westchester Society of Radiographic Technicians, White Plains, NY, April 1970

Lecture on Abdominal Radiography of The Diabetic Patient, Graduate Seminar in Veterinary Radiology, The Ohio State University Veterinary Clinic, Columbus, OH, April 1970

Short Course in Veterinary Radiology - Part I, Thorax, The Veterinary Medical Association of New York City, Inc., Program of Continuing Education, New York, NY, April 1970

Lecture on Hypervitaminosis A in Cats, Eastern Veterinary Orthopedic Society, Biannual Conference, Newark, NJ, April 1970

Lecture on Normal Cardiac Radiology, Short Course in Veterinary Cardiology (Dr. Stephen Ettinger, Staff Cardiologist), The Animal Medical Center, New York, NY, October 1970

Lecture on Gastrointestinal Radiology, Northern New Jersey Veterinary Medical Association, Paramus, NJ, October 1970

Lecture on Preparation of Black and White 35mm Slides of Radiographs, Eastern Veterinary Orthopedic Society, Biannual Conference, Newark, NJ, October 1970

Lecture on Preparation of Black and White 35mm Slides of Radiographs, Section of Radiology, Bronx Veterans Administration Hospital, Bronx, NY, November 1970

Lecture on Comparative Gastrointestinal Radiology, Section of Radiology, Bronx Veterans Administration Hospital, Bronx, NY, November 1970

Short Course in Veterinary Contrast Radiology, Long Island Veterinary Medical Association, Roslyn, NY, January 1971



## ADDENDUM III - page 2

Continuing Education Presentations  
to  
Professional Groups (continued)

Lecture on Veterinary Radiation Therapy, Long Island Veterinary Medical Association, Roslyn, NY, January 1971

Lecture on Comparative Radiology, Grand Radiology Rounds, Albert Einstein College of Medicine, Bronx, NY, January 1971

Lecture on the Radiographic Appearance of Radiolucent Linear Intestinal Foreign Bodies in Small Animals, Henry Bergh Memorial Hospital of the A.S.P.C.A., New York, NY, January 1971

Short Course in Veterinary Contrast Radiology, Cleveland Academy of Veterinary Medicine, Cleveland, OH, November 1971

Lecture on Radiographic Examination of the Skull and Spine, Short Course in Clinical Neurology (Dr. Cheryl Chrisman, Instructor), Continuing Veterinary Medical Education Program, The Ohio State University, Columbus, OH, March 1972

Lecture on Steatitis in Cats, Small Intestinal Linear Foreign Bodies in Cats and Dogs, and Peritoneal Carcinomatosis in Dogs and Cats, Medicine and Surgery Seminar, College of Veterinary Medicine, University of Georgia, Athens, GA, March 1972

Short Course in Small Animal Radiology (in conjunction with James K. Burt, D.V.M., M.S., and C. Wendy Myer, D.V.M.), Continuing Veterinary Medical Education Program, The Ohio State University, Columbus, OH, May 1972

Lecture on Contrast Radiology of the Abdomen - Part I, Santa Clara County Veterinary Medical Association, Santa Clara, CA, September 1972

Lecture on Contrast Radiology of the Abdomen - Part II, Santa Clara County Veterinary Medical Association, Santa Clara, CA, December, 1972

Lecture on Radiographic Manifestations of Pleural, Extrapleural, and Mediastinal, Diseases in Small Animals, Short Course in Veterinary Radiology, University of California at Berkeley Extension, San Francisco, CA, April 1973

Lecture on Surgical Diseases of the Spine (in conjunction with Jess Ayers, D.V.M., Ph.D.), Santa Clara County Veterinary Medical Association, San Jose, CA, May 1973

Lecture on Contrast Pleurography, San Francisco Veterinary Medical Association, San Francisco, CA, May 1973

## ADDENDUM III - page 3

Continuing Education Presentations  
to  
Professional Groups (continued)

Lecture on Radiology of the Skull, Monterey Bay Area Veterinary Medical Association, Watsonville, CA, August 1973

Lecture on Radiographic Differentiation of Abdominal Masses in Dogs and Cats, Third International Conference in Veterinary Radiology, Washington, DC, September 1973

Lecture on Linear Enteric Foreign Bodies in Cats and Dogs, Third International Conference in Veterinary Radiology, Washington, DC, September 1973

Lecture on Radiology of Diseases of the Pleura and Mediastinum, Short Course in Veterinary Radiology (in conjunction with Drs. Joe Morgan, Peter Suter, and Timothy O'Brien), San Diego Veterinary Medical Association, LaJolla, CA, January 1974

Lecture on Radiology of the Small and Large Bowels, Short Course in Veterinary Radiology (in conjunction with Drs. Peter Suter, Timothy O'Brien, Gary Ewing, and William Zontine), San Diego Veterinary Medical Association, LaJolla, CA, March 1974

Short Course on Acute Trauma, Sections I, II, and III (in conjunction with Drs. Larry Stickles, Robert Pensinger, Jay Stone, Gary Ewing, and James Roush), American Animal Hospital Association, San Francisco, CA, April 1974

Lecture on Radiology of the Small Bowel and Colon, Gastroenterology II, (Gary O. Ewing, D.V.M.), American Animal Hospital Association, San Francisco, CA, April 1974

Lecture on Contrast Radiology of the Respiratory Tract, Respiratory Diseases (James Head, D.V.M.), American Animal Hospital Association, San Francisco, CA, April 1974

Lecture on Radiographic Diseases Associated with Eosinophilia in Small Animals, American Association of Veterinary Allergists, American Veterinary Medical Association, Denver, CO, July 1974

Lecture on Lesions of the Thoracolumbar Vertebral Column in the Dog, American College of Veterinary Radiology, American Veterinary Medical Association, Denver, CO, July 1974

Lecture on Veterinary Radiology, Central Coast District Radiologic Technicians, Salinas, CA, May 1974

Lecture on Principles of Radiographic Interpretation, Redwood Empire Veterinary Medical Association, Sebastopol, CA, October 1974

## ADDENDUM III - page 4

Continuing Education Presentations  
to  
Professional Groups (continued)

Lecture on Radiographic Lesions of the Abdomen of Small Animals, Redwood Empire Veterinary Medical Association, Sebastopol, CA, November 1974

Short Course in Correlation of Auscultory, Electrocardiographic, and Radiographic Findings in Acquired and Congenital Cardiac Disease in Small Animals (in conjunction with Drs. Robert Pensinger and Allan Hahn), Internal Medicine for Veterinarians, University of California at Santa Cruz Extension, Santa Cruz, CA, November 1974

Short Course on the Acute Abdomen of the Dog and Cat (in conjunction with Drs. William V. Lumb and Keith W. Prasse), 44th Annual Conference for Veterinarians, Louisiana State University Continuing Education, Baton Rouge, LA, January 1975

Lecture on Interpretation of Abdominal Radiographs in Small Animals, New Orleans Academy of Veterinary Medicine, New Orleans, LA, March 1975

Short Course on Radiology of the Thorax, Portland Veterinary Medical Association, Portland, OR, June 1975

Short Course on Radiology of the Abdomen, Southwestern Washington Veterinary Medical Association, Vancouver, WA, June 1975

Lecture on Radiographic Interpretation of Disease of the Thorax in Small Animals, Louisiana Veterinary Medical Association Summer Meeting, Shreveport, LA, June 1975

Lecture on Equine Radiography - Equipment, Positioning and Safety, Louisiana Veterinary Medical Association Summer Meeting, Shreveport, LA, June 1975

Lecture on Clinical Management of Lower Leg Lamenesses in Horses (in conjunction with Dr. Peter Haynes), Louisiana Veterinary Medical Association Summer Meeting, Shreveport, LA, June 1975

Workshop on Interpretation of Radiographs of the Abdomen, American Veterinary Radiology Society - American College of Veterinary Radiology, Miami, FL, August 1975

Short Course on Diseases of the Thorax (in conjunction with Drs. Arthur Butterfield and Larry Stickles), Forty-fifth Annual Conference for Veterinarians, Louisiana State University Extension Service, Baton Rouge, LA, January 1976

Workshop on Interpretation of Radiographs of the Abdomen, American Veterinary Radiology Society - American College of Veterinary Radiology, Las Vegas, NV, February 1976

## ADDENDUM III - page 5

Continuing Education Presentations  
To  
Professional Groups (continued)

Lecture on Radiology - Its Importance in Veterinary Medicine, Pre-Vet Club, Louisiana State University, Baton Rouge, LA, April 1976

Workshop on Interpretation of Radiographs of the Thorax, Pulaski County Veterinary Medical Association, North Little Rock, AR, April 1976

Lecture on Radiographic Manifestations of Cardiovascular Diseases in Small Animals, Louisiana Veterinary Medical Association Summer Meeting, Baton Rouge, LA, June 1976

Lecture on X-ray Room Equipment, Accessories, Standard Procedures, and Common Technical Errors, American College of Veterinary Radiology - American Veterinary Medical Association, Cincinnati, OH, July 1976

Workshop on Interpretation of Radiographs of the Abdomen, American Veterinary Radiology Society, Miami, FL, August 1976

Short Course on Veterinary Care of the G.I. Tract (in conjunction with Drs. Richard Greene, Herbert Von Kruiningen and Mark Morris, Jr. ), American Animal Hospital Association, Columbus, OH, November 1976

Short Course on Abdominal Radiography, Arizona Academy of Veterinary Practice, Phoenix, AZ, February 1977

Contrast Radiography of the G.I. Tract (in conjunction with J.W. Watters, D.V.M., M.S.), Louisiana Hospital Television Network, Baton Rouge, LA, May 1977

Radiology of Feline Gastrointestinal Diseases, Louisiana State University Extension Continuing Education, Baton Rouge, LA, June 1977

Radiology of Feline Respiratory Diseases, Louisiana State University Extension Continuing Education, Baton Rouge, LA, June 1977

Short Course on Radiographic Differential Diagnosis and Surgical Management of Abdominal Masses in Dogs and Cats (in conjunction with A.B. Butterfield, D.V.M., Ph.D.) American Veterinary Medical Association Annual Meeting, Atlanta, GA, July 1977

Workshop on Interpretation of Radiographs of the Abdomen, American Veterinary Radiology Society - American College of Veterinary Radiology, Miami, FL, September 1977

## ADDENDUM III - page 6

Continuing Education Presentations  
To  
Professional Groups (continued)

Short Course on Abdominal Radiography, Cleveland Academy of Veterinary Medicine, Cleveland, OH, October 1977

Lecture on Radiology of the Head, Neck and Teeth, American Animal Hospital Association Region II Meeting, New Orleans, LA, November 1977

Lecture on Radiographic Assessment of the Geriatric Patient, American Animal Hospital Association Region II Meeting, New Orleans, LA, November 1977

Workshop on Radiology of the Teeth, American Animal Hospital Association Region II Meeting, New Orleans, LA, November 1977

Lecture on Pleurography, Southeastern Veterinary Radiology Society, Brevard, North Carolina, February 1978

Selected Cardiovascular Cases in Companion Animals (in conjunction with E.B. Breitschwerdt, D.V.M. ), Louisiana Hospital Television Network, March 1978

Selected Gastrointestinal Cases in Companion Animals (in conjunction with J.D. Hoskins, D.V.M., Ph.D. ), Louisiana Hospital Television Network, Baton Rouge, LA, May 1978

Workshop on Interpretation of Radiographs of the Abdomen, American Veterinary Radiology Society - American College of Veterinary Radiology, Miami, FL, September 1978

Workshop on Interpretation of Radiographs of the Abdomen, American Veterinary Radiology Society - American College of Veterinary Radiology, Chicago, IL, December 1978

Heartworm Disease: An Overview (in conjunction with Drs. E.B. Breitschwerdt and T.N. Hribernik), 46th American Animal Hospital Association Annual Meeting, New Orleans, LA, April 1979

Lecture on Radiographic Differential Diagnoses of Abdominal Masses in Companion Animals, 46th American Animal Hospital Association Annual Meeting (American College of Veterinary Radiology Program), New Orleans, LA, April 1979

Short Course on Veterinary Radiology - Level I (in conjunction with J.W. Watters, D.V.M., M.S., and Sue D. Taylor, R.T.), L.V.M.A. - Continuing Education, Louisiana Veterinary Medical Association, Baton Rouge, LA, June 1979

Workshop on Interpretation of Radiographs of the Abdomen, American Veterinary Radiology Society, Miami, FL, September 1979

## ADDENDUM III - page 7

Continuing Education Presentations  
To  
Professional Groups (continued)

Lecture on Veterinary Radiology, Capital District Society of Radiologic Technologists, Baton Rouge, LA, November 1979

Workshop in Interpretation of Radiographs of the Abdomen, American Veterinary Radiology Society, Cape Cod, MA, December 1979

Lecture on Radiographic Differentiation of Abdominal Masses in Companion Animals, Student American Veterinary Medical Association Educational Symposium, Baton Rouge, LA, February 1980

Wet Lab on Radiography of Alimentary Dynamics, Student American Veterinary Medical Association Educational Symposium, Baton Rouge, LA, February 1980

Wet Lab on Dental Radiography, Student American Veterinary Medical Association Educational Symposium, Baton Rouge, LA, February 1980

Workshop on Interpretation of Thoracic Radiographs, Lake Charles Area Veterinary Medical Association, Lake Charles, LA, March 1980

Lecture on Radiographic Differentiation of Abdominal Masses, Harris County Veterinary Medical Association, Houston, TX, June 1980

Short Course on Abdominal and Thoracic Radiology in Companion Animals, Association of New Orleans Veterinarians, New Orleans, LA, October 1980

Lecture on Radiographic Evaluation of the Spine, Spinal Cord Diseases Seminar (in conjunction with Drs. Larry A. Nafe, Edward B. Breitschwerdt, K. Peter O. Shires, John B. Malone, and Grant Turnwald), School of Veterinary Medicine Continuing Education Program, Louisiana State University, Baton Rouge, LA, November 1980

Lecture on Contrast Radiology for the Small Animal Practitioner, American Animal Hospital Region II Meeting, Baton Rouge, LA, October 1981

Lecture on Supracondylar Lysis of the Distal Third Metacarpal Bone in Racing Thoroughbreds, Scientific Program of the American College of Veterinary Radiology, Chicago, IL, November 1981

Short Course on Thoracic Radiology, Central Florida Academy of Veterinary Medicine, Orlando, FL, December 1981

Lecture on Basic Veterinary Radiography, Central Florida Academy of Veterinary Medicine (Technologist's Session), Orlando, FL, December 1981



## ADDENDUM III - page 8

Continuing Education Presentations  
To  
Professional Groups (continued)

Michael Moxon Kaye Memorial Lecture, Supracondylar Lysis of the Third Metacarpal Bone in Racehorses: A Radiographic Sign of Osteoarthritis, Western College of Veterinary Medicine, University of Saskatchewan, Saskatoon, Saskatchewan, Canada, February 1982

Lecture on Radiographic Differentiation of Abdominal Masses, Western College of Veterinary Medicine, University of Saskatchewan, Saskatoon, Saskatchewan, Canada, February 1982

Lecture on Radiographic Assessment of Racetrack Injuries, The Research Society of Sigma Xi, Louisiana State University, Baton Rouge, LA, March 1982

Short Course on Real-world Radiography and Radiology for Peracute, Acute and Chronic Veterinarians, Lafayette Area Veterinary Medical Association Spring Meeting, Lafayette, LA, May 1982

Lecture on Mass Lesions of the Liver, Spleen and Pancreas - Small Animal Abdomen, Sixth International Veterinary Radiology Conference, Davis, CA, August 1982

Lecture on Pleural Disease - Large Animal Thorax, Sixth International Veterinary Radiology Conference, Davis, CA, August 1982

Lecture on Palmar Supracondylar Lysis of the Distal Third Metacarpal Bones in Racehorses, Sixth International Veterinary Radiology Conference, Davis, CA, August 1982

Short Course on Companion Animal Respiratory Disease Emergencies (in conjunction with Drs. Grant Turnwald, Cheryl Hedlund and Cynthia Trim), Southern Veterinary Medical Federation Meeting, New Orleans, LA, October 1982

Seminar on Contrast Radiography, Pulaski County Veterinary Medical Association, Little Rock, AR, January 1983

Seminar on Radiographic Interpretation of Lesions of the Skull, Radiographic Differentiation of Abdominal Masses, and Principles of Radiographic Interpretation of Diseases of the Abdomen in Companion Animals, Nebraska Academy of Veterinary Medicine, Omaha, NE, November 1983

Short Course on Radiology of Large and Small Animals, Arkansas Veterinary Medical Association Winter Meeting, Little Rock, AR, January 1984

Lecture on Abdominal Radiology, Northwest Seattle Veterinary Medical Association, Seattle, WA, October 1984

## ADDENDUM III - page 9

Continuing Education Presentations  
To  
Professional Groups (continued)

Lecture on Equine Radiology from Foot to Carpus - A Potpourri of Radiographic Signs, Seattle, WA, Veterinary Medical Association Equine Practitioners, Bellevue, WA, October 1984

Lecture on Principles of Radiographic Interpretation, South Puget Sound Veterinary Medical Association, Tacoma, WA, March 1985

Lecture on Differential Diagnosis of Abdominal Masses, South Puget Sound Veterinary Medical Association, Tacoma, WA, April 1985

Seminar on Veterinary Radiology, Central Washington Veterinary Medical Association, Wenatchee, WA, April 1985

Lecture on Equine Radiology, South Puget Sound Veterinary Medical Association, Tacoma, WA, April 1985

Lecture on Diseases of the Thorax, South Puget Sound Veterinary Medical Association, Tacoma, WA, May 1985

Seminar on Contrast Radiography, Washington Association of Veterinary Technicians, Seabeck, WA, November 1985

Seminar on Principles of Radiographic Interpretation and Differentiation of Abdominal Masses in Companion Animals, Vancouver Academy of Veterinarians, Vancouver, B.C., February 1986

Lecture on Differentiation of Abdominal Masses, Southwest Washington Veterinary Medical Association, Longview, WA, March 1986

Lecture on Pulmonary Radiology, Kitsap County Veterinary Medical Association, Silverdale, WA, May 1986

Lecture on Excretory Urography, Northeast Chapter of the Seattle-King County Veterinary Medical Association, Bellevue, WA, October 1986

Lecture on Veterinary Ultrasonography, Northwest Chapter Seattle-King County Veterinary Medical Association, Seattle, WA, December 1986

Lecture on Contrast Radiography, Tri-county Veterinary Medical Association, Mount Vernon, WA, December 1986

## ADDENDUM III - page 10

Continuing Education Presentations  
To  
Professional Groups (continued)

Lecture on A Disease of Maine Coon Cats Resembling Congenital Canine Hip Dysplasia, American College of Veterinary Radiology, Chicago, IL, December 1987

Lecture on Radiology of Gastrointestinal Disease, Seattle-King County Veterinary Medical Association Winter Conference, Seattle, WA, January 1988

Lecture on Veterinary Ultrasound, Kitsap County Veterinary Medical Association, Bremerton, WA, February 1988

Seminar on Thoracic Radiology, Louisiana Veterinary Medical Association, Monroe, WA, February 1988

Seminar on Small Animal Radiology, Louisiana Veterinary Medical Association, Monroe, WA, February 1988

Lecture on Veterinary Ultrasound, Pierce College Veterinary Technology Program, Tacoma, WA, May 1988

Lecture on Myelography, Northeast Chapter of the Seattle-King County Veterinary Medical Association, Bellevue, WA, November 1988

Lecture on Myelography, Southeast and Southwest Chapters of the Seattle-King County Veterinary Medical Association, Seattle, WA, November 1988

Lecture on Radiology of the Feline Abdomen, Seattle-King County Veterinary Medical Association Winter Conference, Seattle, WA, February 1989

Lecture on Radiographic Differential Diagnosis of Pulmonary Lesions, Vancouver Academy of Veterinary Medicine, Vancouver, B.C., February 1989

Lecture on Ultrasonography, South Snohomish County Chapter of the Seattle-King County Veterinary Medical Association, Lynnwood, WA, April 1989

Lecture on Radiographic Differentiation of Abdominal Masses, Klamath Falls Veterinary Medical Association, Klamath Falls, OR, July 1989

Equine Radiology Review, Washington State Veterinary Medical Association 80th Annual Meeting, Wenatchee, WA, September 1989

## ADDENDUM III - page 11

Continuing Education Presentations  
To  
Professional Groups (continued)

Seminar on Radiology - Technique Improvement and Safety, Washington Association of Veterinary Technicians, Wenatchee, WA, September 1989

Seminar on Radiographic Anatomy and Lesions of the Skull, Thorax, and Abdomen of Companion Animals, Washington State Veterinary Medical Association Continuing Education, Seattle, WA, October 1989

Lecture on Non-lesions, Diagnostic Artifacts, and Normal Anatomic Variants, Northwest Chapter of the Seattle-King County Veterinary Medical Association, Seattle, WA, September 1990

Lecture on Spinal and Pelvic Lesions, Vancouver Academy of Veterinary Medicine, Vancouver, B.C., October 1990

Lecture on Animal Overpopulation, Northwest Chapter of the Seattle-King County Veterinary Medical Association, Seattle, WA, November, 1991

Lecture on Animal Overpopulation, Northeast Chapter of the Seattle-King County Veterinary Medical Association, Seattle, WA, November, 1991

Lecture/Laboratory on Ultrasonography in Animals and Patient Positioning for Veterinary Radiography, Pierce College Veterinary Technology Program, Tacoma, WA, May 1992

Lecture on the Seattle Area Municipal Involvement In Low Cost Spay/Neuter Programs, American Veterinary Medical Association Annual Meeting, Boston, MA, August 1992

Presentation on Electronic Animal Identification (Microchipping), Washington State Veterinary Board of Governors, SeaTac, WA, October 1992

Lecture on Magnetic Resonance Imaging, South Puget Sound Veterinary Medical Association, Tacoma, WA, November 1992

Lecture on Magnetic Resonance Imaging, South Snohomish County Chapter of the Seattle-King County Veterinary Medical Association, Lynnwood, WA, May 1993

Lecture on Animal Overpopulation, Student Chapter of the American Veterinary Medical Association, Washington State University, Pullman, WA, October 1993

Lecture on Diagnostic Ultrasound, MRI, and CT, Southwest and Southeast Chapters of the Seattle-King County Veterinary Medical Association, SeaTac, WA, April 1994

## ADDENDUM III - page 12

Continuing Education Presentations  
To  
Professional Groups (continued)

Lecture on Magnetic Resonance Imaging, American Animal Hospital Association Member Forum, Northwest Region, Bellingham, WA, May 1994

Lecture on Diagnostic Ultrasound, MRI, and CT, Sacajawea Veterinary Hospital, Federal Way, WA, May 1994

Seminar on Radiographic Diagnosis and Surgical Treatment of Diseases of the Lower Vertebral Column, Pelvis, and Pelvic Limbs (in conjunction with Dr. E. B. Okrasinski), Middle Fork of the Salmon River (Idaho), June 1994

Seminar on Radiographic Diagnosis and Surgical Treatment of Diseases of the Abdomen (in conjunction with Dr. E. B. Okrasinski), Middle Fork of the Salmon River (Idaho), June 1995

Lecture on People for the Ethical Treatment of Animals, Seattle-King County Veterinary Medical Association Executive Committee, Bellevue, WA, November 1995

Lecture on People for the Ethical Treatment of Animals, Southwest Washington Veterinary Medical Association, Vancouver, WA, February 1996

Lecture on People for the Ethical Treatment of Animals, South Snohomish County Chapter, Seattle-King County Veterinary Medical Association, Lynnwood, WA, June 1996

Lecture on Animal Rights Extremism (A Primer), South County Chapter of the Seattle-King County Veterinary Medical Association, Des Moines, WA, July 1996.

Lecture on Animal Rights Extremism (What You Should Know), Northwest Veterinary Managers Group, Kirkland, WA, April 1997.

Lecture on Animal Rights Extremism (What You Should Know), Tri-county Veterinary Association, Mt. Vernon, WA, June 1997.

## ADDENDUM IV

### Continuing Education Presentations to Non-Professional Groups

Lecture on Hip Dysplasia, Denver Irish Setter's Club, Denver, CO, October 1968

Lecture on Modern Veterinary Medicine, Larchmont Rotary Club, Larchmont, NY, October 1970

Lecture on the Use of Radiographs in Diagnosing Diseases of Importance to Dog Breeders, Putnam County Kennel Club, Carmel, NY, November 1970

Lecture on Congenital and Acquired Conditions of Importance to Dog Breeders, Northern California Old English Sheepdog Club, San Jose, CA, October 1972

Lecture on Hip Dysplasia, Combined Santa Clara Kennel Clubs, Santa Clara, CA, June 1973

Lecture on Modern Veterinary Medicine, Santa Cruz Rotary Club, Santa Cruz, CA, August 1973

Lecture on Emergency Medicine (in conjunction with Drs. Larry Stickles and James Roush), Short Course on Health Care of Dogs (Drs. Robert Pensinger and Gary Ewing), University of California at Santa Cruz Extension, Los Gatos, CA, November 1973

Lecture on Orthopedic Diseases (in conjunction with Dr. James Roush) Short Course on Health Care of Dogs (Drs. Robert Pensinger and Gary Ewing), University of California at Santa Cruz Extension, Los Gatos, CA, December 1973

Lecture on Spondylolisthesis and Other Skeletal Lesions in Doberman Pinschers, Santa Clara Doberman Pinscher Club, San Jose, CA, April 1974

Lecture on Orthopedic Diseases of Importance to the Siberian Husky, Northern California Siberian Husky Club, Fremont, CA, June 1974

Lecture on Hip Dysplasia and Other Orthopedic Diseases of Importance to the German Shepherd Dog, Golden State German Shepherd Dog Club of San Jose, Inc., San Jose, CA, July 1974

Lecture on Spondylolisthesis and Other Orthopedic Diseases of Great Danes, Great Dane Fancier's Club, Alameda, CA, July 1974

Lecture on Bone and Cartilage Abnormalities in Dogs, Acadiana Kennel Club, Lafayette, LA, March 1975

Lecture on Orthopedic Diseases of Great Danes, Great Dane Club of Louisiana, Baton Rouge, LA, June 1975



## Addendum IV - page 2

Continuing Education Presentations  
to  
Non-Professional Groups (continued)

Lecture on Orthopedic Disease of Interest to Breeders and Trainers of Dogs, Baton Rouge Kennel Club, Baton Rouge, LA, July 1975

Lecture on Hip Dysplasia and Other Orthopedic Diseases of Importance in German Shepherd Dogs, German Shepherd Dog Club of Baton Rouge, Baton Rouge, LA, October 1975

Lecture on Hip Dysplasia and Selected Orthopedic Diseases, German Shepherd Dog Club of Baton Rouge, Baton Rouge, LA, September 1977

Lecture on Hip Dysplasia, Great Dane Club of Louisiana, New Orleans, LA, November 1978

Lecture on Wobbler Syndrome and Congenital Canine Hip Dysplasia, Metairie Kennel Club, Metairie, LA, August 1980

Lecture on Selected Diseases of Interest to Owners and Trainers of Rottweilers, Bellevue, WA, January, 1985

Lecture on Orthopedic Diseases of Large Dogs, Washington State Police Canine Association Annual Seminar, Seattle, WA, April 1985

Lecture/Demonstration on Veterinary Ultrasonography, Great Dane Club of Western Washington, Woodinville, WA, October 1986

Lecture on Orthopedic Diseases of Large Dogs, Great Dane Club of Western Washington, Bellevue, WA, May 1987

Lecture on Orthopedic Diseases of Large Dogs, Irish Wolfhound Club of Puget Sound, Everett, WA, February 1988

Lecture/Demonstration on Veterinary Ultrasonography, Cascade Dachshund Club, Seattle, WA, March 1988

Lecture on Orthopedic Diseases of Cats and Dogs, Winner's Dinners, Fife, WA, May 1988

Lecture on Hip Dysplasia and O.F.A., Northwest Rottweiler Fanciers, Bellevue, WA, January 1989

Lecture/Demonstration on Veterinary Ultrasonography, Snow King Alaskan Malamute Fanciers, Seattle, WA, June 1989

## Addendum IV - page 3

Continuing Education Presentations  
to  
Non-Professional Groups (continued)

Lecture on Skeletal Deformities in Dogs and Cats, TICA Northwest Region, Seattle, WA, November 1989

Lecture/Demonstration on Veterinary Ultrasonography, Explorer Troop 310, Woodinville, WA, December 1989

Lecture on Orthopedic Diseases of Large Dogs, Puget Sound Golden Retriever Club, Kirkland, WA, September 1990

Lecture on Animal Overpopulation, Kiwanis Club of Renton, Renton, WA, June, 1991

Lecture on Animal Overpopulation, Kent Rotary Club, Kent, WA, August, 1991

Lecture on Animal Overpopulation, West Seattle Rotary Club, Seattle, WA, September, 1991

Lecture on Animal Overpopulation, Bellingham Rotary Club, Bellingham, WA, November, 1991

Panel Discussion on Animal Overpopulation (in conjunction with Nancy McKinney and William Holbrook), All-breed Group, Sequim, WA, February 1992

Panel Discussion on Animal Overpopulation (in conjunction with Nancy McKinney and William Holbrook), Bainbridge Island Humane Society, Winslow, WA, April 1992

Lecture on Orthopedic Diseases of Dogs, Whatcom County Breeders, Bellingham, WA, May 1992

Lecture on Microchipping, All Terrier Club, Bellevue, WA, May 1992

Lecture on Animal Overpopulation, North Shore Kiwanis Club, Kenmore, WA, November 1992

Lecture on Newer Imaging Techniques in Veterinary Medicine, All-Breed Group, Sequim, WA, February 1994

Lecture on Microchipping, All-Breed Group, Sequim, WA, February 1994

Lecture on Veterinary Ultrasonography, Bellevue Community College Sonography Technology Program, Bellevue, WA, May 1994

Lecture on Orthopedic Diseases of Large Dogs, German Shepherd Dog Club of the Pacific Northwest, Snohomish, WA, September 1994

## Addendum IV - page 4

Continuing Education Presentations  
to  
Non-Professional Groups (continued)

Lecture on Congenital Canine Hip Dysplasia, Evergreen Golden Retriever Club, Redmond, WA, October 1994

Lecture on Radiography and Ultrasonography in Veterinary Medicine, Sno-Isle Skill Center, Everett, WA, November 1994

Lecture on People for the Ethical Treatment of Animals and the Threat of the Animal Rights Movement, Northwest Field Trial Council, Kent, WA, January 1996

Lecture on Animal Rights Extremism, Edmonds Exchange Club, Edmonds, WA, September, 1996

Lecture on Animal Rights Extremism (A Primer), Mountlake Terrace Rotary Club, Mountlake Terrace, WA, July 1997.

Lecture on Animal Overpopulation, Mountlake Terrace Rotary Club, Mountlake Terrace, WA, October 1997.

Lecture on Animal Rights Extremism (A Primer), Lynnwood Rotary Club, Lynnwood, WA, November 1997.

## Addendum V

## PowerPoint® Presentations

Abdominal Ultrasonography  
Cardiovascular System  
Cross-Sectional Imaging  
Digital Radiography vs. Conventional Radiography  
Good Forelimb Radiographs  
Good Thoracic Radiographs  
Kidneys and Ureters  
Radiographic Differentiation of Abdominal Masses  
Pleura, Pleural Space, Mediastinum, and Chest Wall  
Preparation for Ultrasonography in Animals  
Principles of Radiographic Interpretation  
The Art of Radiography for Veterinarians  
The Art of Radiography for Veterinary Technologists  
Thoracic Radiography  
Urinary Bladder  
Urethra and Prostate  
Veterinary Ultrasound Training Program  
Veterinary Imaging

1  
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4  
5 IN THE SUPERIOR COURT OF WASHINGTON  
6 FOR MASON COUNTY

7 State of Washington,

8 Plaintiff

9 v.

10 Martin S. Ivie,

11 Defendant  
12

Case No.: 12-1-00064-6

DECLARATION OF MARTIN IVIE

13 I declare under penalty of perjury under the laws of the state of Washington that the  
14 following is true and correct.

- 15 1) My name is Martin Ivie. I am the defendant in the above captioned case.  
16  
17 2) I was represented at my trial by appointed counsel James Foley.  
18  
19 3) From the time of my arrest on February 9, 2012 throughout my trial I was in custody.  
20  
21 4) I had very little contact with Mr. Foley prior to trial.  
22  
23 5) Mr. Foley met with me a few times, perhaps four times, at the Mason County jail for  
24 5-10 minutes prior to court appearances. He also visited me on a couple Saturday or  
25 Sundays for about 20 minutes each time.  
26  
6) I asked Mr. Foley to investigate my prior relationship and contacts with Mason  
County Deputy William Reed. I explained to Mr. Foley that Deputy Reed had a  
significant bias against me and had attempted to arrest me and had arrested me in the  
past. I felt such evidence was relevant to prove that Deputy Reed was not being

1 truthful about what occurred when he confronted me on the night of February 12, <sup>qf</sup>  
2 2012 and in particular that he was not being honest when he claimed that I tried to run  
3 him down with my truck.

4 7) I was also visited by defense investigator Fred Doughty on two occasions for  
5 about 30-45 minutes each. I also asked Mr. Doughty to investigate witnesses who  
6 could corroborate Deputy Reed's obsession with me.  
7

8 8) I asked Mr. Foley and investigator Doughty to interview witnesses including Aaron  
9 Churchill who were aware that Deputy Reed had it in for me. Aaron Churchill had  
10 been asked by Deputy Reed to give false testimony against me. Neither Mr. Foley or  
11 Mr. Doughty ever talked with Aaron Churchill.  
12

13 9) I told Mr. Foley that I had my dog Shane with me at the time of the shooting and that  
14 Deputy Reed was lying when he said that I didn't. I asked Mr. Foley to call the  
15 Veterinarian to testify about the gunshot injuries to Shane to prove that Deputy Reed  
16 was lying about this. Mr. Foley had the investigator get the vet records but never  
17 introduced them and never called the veterinarian to testify. He did call my partner  
18 Barb Marx but because she was in a relationship with me she did not have the  
19 credibility before the jury that the vet would have had.  
20

21 10) I told Mr. Foley early on that I wished to testify at my trial. Mr. Foley did not spend  
22 any time with me preparing me to testify. In particular he never provided me with a  
23 copy of the statement that I gave while I was in the Tacoma General Hospital. When  
24 I was in the hospital I was in considerable pain from my gunshot injuries. I had also  
25 suffered a concussion. I was given morphine for the pain. As a result, I had very  
26

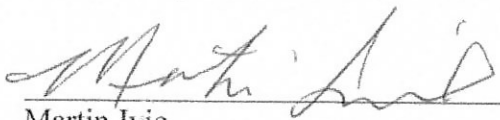


1 little memory of being interviewed by the detectives. I never had the chance to  
2 review my hospital statement before I testified so that when the prosecutor asked me  
3 about things that I had said during the hospital interrogation, I was not prepared to  
4 respond.  
5

6 11) I had asked Mr. Foley to call my doctors to testify about my injuries and my  
7 condition while I was in the hospital. I wanted to jury to hear from my doctors about  
8 the location of my injuries in order to show the jury that I was shot in the back which  
9 I believe proves that I was not driving my truck at Deputy Adams. Mr. Foley never  
10 did call my doctors to testify either at the 3.5 hearing or during the trial. I also wanted  
11 the jury to know that I had sustained a concussion and was given morphine which  
12 would help the jury understand why my statement in the hospital differed from my  
13 memory of events at the time I testified at trial.  
14

15 12) I did not ever try to run down either Deputy Reed or Deputy Adams. I also did  
16 not intentionally back my truck into Adams car. I believe that if I had been properly  
17 prepared to testify, and the jury had heard about my injuries from my doctors and  
18 about the gunshot to my dog from the vet, and heard from Aaron Churchill about  
19 Deputy Reed trying to get him to testify falsely, the jury would not have convicted  
20 me of these crimes.  
21

22 DATED this 30 day of September, 2016.  
23

24   
25 Martin Ivie  
26

1  
2  
3  
4  
5 IN THE SUPERIOR COURT OF WASHINGTON  
6 FOR MASON COUNTY

7 State of Washington,

8 Plaintiff

9 v.

10 Martin S. Ivie,

11 Defendant  
12

Case No.: 12-1-00064-6

DECLARATION OF AARON CHURCHILL

13 I declare under penalty of perjury under the laws of the state of Washington that the  
14 following is true and correct to the best of my knowledge.  
15

- 16
- 17 1. My name Arron Churchill. My date of birth is 3-9-70
  - 18 2. I have been friends with Martin Ivie for about 20 years. I call him Marty.
  - 19 3. I presently live in Shelton, WA.
  - 20 4. I am familiar with Mason County Deputy Sheriff William Reed as he has arrested me and  
21 a couple times he has given me a break when I thought he might arrest me. One time he  
22 found a meth pipe in my truck. He said if I worked for him he could make this "go  
23 away."  
24
  - 25 5. I was aware of Marty being charged in 2012 for the incident on Dow Mountain where he  
26 was accused of trying to run down the deputies and stealing wood.

DECLARATION OF AARON CHURCHILL - 1

CAMIEL & CHANEY, P.S.  
2101 FOURTH AVENUE, SUITE 1900  
SEATTLE, WA 98121-2315  
(206) 624-1551


In re Ivie, App. 120

- 1 6. Sometime in 2012 before Marty's trial, I was at a gas station in Hoodspart putting gas in  
2 my truck. Deputy Reed pulled up and asked me to follow him to the transfer station. He  
3 said he wanted to talk to me. I complied and at the transfer station we both got out of our  
4 vehicles.  
5
- 6 7. Deputy Reed told me that Marty had a charge for Maple theft and he wanted me to come  
7 to court and say that I helped Marty cut the tree down and buck it up. This was not true. I  
8 never helped Marty cut or buck up the Maple tree. I have never seen Marty steal any  
9 wood. Deputy Reed also wanted me to say that I took the wood to the mill to be cut up.  
10 This was also not true. Deputy Reed told me that if I did that- testify against Marty- I  
11 would not have to worry about anything for some time.  
12
- 13 8. It was absolutely clear to me that Deputy Reed was trying to get me to testify falsely  
14 against Marty. It was also clear to me by the way the Deputy Reed talked about Marty  
15 that he had it in for Marty.  
16
- 17 9. At around that time I had been doing meth and at this same meeting Deputy Reed said I  
18 could earn money being an informant.
- 19 10. I told Deputy Reed that I would not lie about Marty nor work as a snitch. Deputy Reed  
20 appeared to me to be "pissed off" when I would not agree to testify falsely against Marty.  
21 He gave me his card and said "give me a call" and took off.  
22
- 23 11. I was very upset by this interaction with Deputy Reed and went home and told my  
24 girlfriend at the time, Kathy Meagher.  
25  
26

1 12. I told Marty about my contact with Deputy Reed. I was never contacted by any lawyer  
2 on Marty's behalf until 2016. Had I been contacted in 2012 I would have testified to the  
3 above. I am willing to testify to the above in any court.  
4

5 //

6 DATED this 1st day of August, 2016.

7   
8 Aaron Churchill  
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DECLARATION OF AARON CHURCHILL - 3

CAMEL & CHANEY, P.S.  
2101 FOURTH AVENUE, SUITE 1900  
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(206) 624-1551

In re Ivie, App. 122

RECEIVED & FILED

JUL - 5 2012

PAT SWARTOS, Clerk of the  
Superior Court of Mason Co. Wash.

8 (16)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF MASON

State of Washington,  
Plaintiff/Petitioner  
Vs.

NO. 12-1-00064-6

LIST OF EXHIBITS

Martin Ivie,  
Defendant/Respondent

OFFERED BY:	EXHIBIT #	ADMITTED	TITLE OR NAME OF EXHIBIT
Dorcy	1 State	06/27/2012	Map
Dorcy	2 State	06/27/2012	Photo
Dorcy	3 State	06/27/2012	Photo
Dorcy	4 State	06/27/2012	Photo
Dorcy	5 State	06/27/2012	Photo
Dorcy	6 State	06/27/2012	Photo
Dorcy	7 State	06/27/2012	Photo
Dorcy	8 State	06/27/2012	Photo
Dorcy	9 State	06/27/2012	Photo
Dorcy	10 State	06/27/2012	Photo
Dorcy	11 State	06/27/2012	Photo
Dorcy	12 State	06/27/2012	Photo
Dorcy	13 State	6/27/2012	Photo

65

OFFERED BY:	EXHIBIT #	ADMITTED	TITLE OR NAME OF EXHIBIT
Dorcy	14 State	06/27/2012	Photo
Dorcy	15 State	06/27/2012	Photo
Dorcy	16 State	06/27/2012	Photo
Dorcy	17 State	06/27/2012	Photo
Dorcy	18 State	06/27/2012	CD
	19 State	06/27/2012	Report of Call
Dorcy	20 State	06/27/2012	Photo
Dorcy	21 State	06/27/2012	Photo
Dorcy	22 State	06/27/2012	Photo
Dorcy	23 State	06/27/2012	Photo
Dorcy	24 State	06/27/2012	Photo
Dorcy	25 State	06/27/2012	Photo
Dorcy	26 State	06/27/2012	Photo
Dorcy	27 State	06/27/2012	Photo
Dorcy	28 State	06/27/2012	Photo
Dorcy	29 State	06/27/2012	Photo
Dorcy	30 State	06/27/2012	Photo
Dorcy	31 State	06/27/2012	Photo
Dorcy	32 State	06/27/2012	Photo



OFFERED BY:	EXHIBIT #	ADMITTED	TITLE OR NAME OF EXHIBIT
Dorcy	33 State	06/27/2012	Photo
Dorcy	34 State	Yes 6-28-12	Photo
Dorcy	35 State	06/27/2012	Photo
Dorcy	36 State	06/27/2012	Photo
Dorcy	37 State	06/27/2012	Photo
Dorcy	38 State	06/27/2012	Photo
Dorcy	39 State	06/27/2012	Photo
Dorcy	40 State	06/27/2012	Photo
Dorcy	41 State	06/27/2012	Photo
Dorcy	42 State	06/27/2012	Photo
Dorcy	43 State	06/27/2012	Photo
Dorcy	44 State	06/27/2012	Photo
Dorcy	45 State	06/27/2012	Photo
Dorcy	46 State	06/27/2012	Photo
Dorcy	47 State	06/27/2012	Illustration
Dorcy	48 State	06/27/2012	Illustration
Dorcy	49 State	06/27/2012	Illustration
Dorcy	50 State	06/27/2012	Illustration
Dorcy	51 State	06/27/2012	Illustration

OFFERED BY:	EXHIBIT #	ADMITTED	TITLE OR NAME OF EXHIBIT
	52 State		Deputy Reed's Report
	53 State		Estimated value of wood
	54 State		Narrative of Jason Sisson's report
Dorcy	55 State	06/27/2012	CD
	56 State		Report of Detective Simper
	57 State		Report of Detective Simper
Dorcy	58 State	Yes 6-28-12	Photo
Dorcy	59 State	Yes 6-28-12	Photo
Dorcy	60 State	Yes 6-28-12	Photo
Dorcy	61 State	Yes 6-28-12	Photo
Dorcy	62 State	Yes 6-28-12	Photo
Dorcy	63 State	Yes 6-28-12	Photo
	64 State		Transcript
	65 Defense		Application & affidavit for search warrant
Foley	66 Defense	Yes 6-28-12 over objection	Photo
Foley	67 Defense	Yes 6-28-12 over objection	Photo
Foley	68 Defense	Yes 6-28-12 over objection	Photo
Foley	69 Defense	Yes 6-28-12 over objection	Photo
Foley	70 Defense	Yes 6-28-12 over objection	Photo

OFFERED BY:	EXHIBIT #	ADMITTED	TITLE OR NAME OF EXHIBIT
Foley	71 Defense	Yes 6-28-12 over objection	Photo
Foley	72 Defense	Yes 6-28-12 over objection	Photo
Foley	73 Defense	Yes 6-28-12 over objection	Photo
Foley	74 Defense	Yes 6-28-12 over objection	Photo
Foley	75 Defense	Yes 6-28-12 over objection	Photo
Foley	76 Defense	Yes 6-28-12 over objection	Photo
Foley	77 Defense	Yes 6-28-12 over objection	Photo
Foley	78 Defense	Yes 6-28-12 over objection	Photo
Foley	79 Defense	Yes 6-28-12 over objection	Photo
Foley	80 Defense	Yes 6-28-12 over objection	Photo
Foley	81 Defense	Yes 6-28-12 over objection	Photo
Foley	82 Defense	Yes 6-28-12 over objection	Photo
Foley	83 Defense	Yes 6-28-12 over objection	Photo
Foley	84 Defense	Yes 6-28-12 over objection	Photo
	85 Defense		CAD Log duplicate of #19
	86 Defense		Diagram drawn by Mr. Doughty
	87 State		Celtic Investigations Report to Foley from Fred Doughty dated 4-17-12
Foley	88 Defense	No, objection sustained	Animal Medical Imaging Report dated 6-8-12
Foley	89 Defense	Yes 6-29-12	Photo

OFFERED BY:	EXHIBIT #	ADMITTED	TITLE OR NAME OF EXHIBIT
Foley	90 Defense	Yes 6-29-12	Photo
Foley	91 Defense	Yes 6-29-12	Photo
Foley	92 Defense	Yes 6-29-12	Photo
Foley	93 Defense	Yes 6-29-12 over objection	Photo
Foley	94 Defense	Yes 6-29-12 over objection	Photo
	95 State		Report of Marty Hayes
	96 State		Thurston County Sheriff's Office Interview of Martin Ivie by Det. Sgt. Dusty Breen
Dorcy	97 State	Admitted for 3.5 hearing only	CD
Foley	98 Defense	Yes 7-3-12 over objection	Harvest permit
	99		
	100		
	101		
	102		
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